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THE

SPOTTISWOODE MISCELLANY:

A COLLECTION OF

ORIGINAL PAPERS AND TRACTS,

ILLUSTRATIVE CHIEFLY OF THE

CIVIL AND ECCLESIASTICAL HISTORY

OF

SCOTLAND.

VOLUME I.

EDINBURGH:

PRINTED FOR THE SPOTTISWOODE SOCIETY.

M.DCCC.XLIV.

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EDITING COMMITTEE

OF

The Spottiswoode Society

FOR THE YEAR MDCCC.XLIV.

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PREFACE.

WHEN the First Volume of the Miscellany, commonly called Somers' Tracts, issued from the Press in the year 1748, it was stated in the Preface, that "of the general utility of Collections of this kind nothing need be said, because nothing is more generally acknowledged," and the truth of this remark is verified by the subsequent result. Independently of various Collections of the kind published for sale, not the least valuable portion of the Works printed for private distribution by the Bannatyne, Maitland, Abbotsford, and Spalding Clubs, is the mass of varied information embraced in their respective Miscellanies.

As each Article in the present Volume has prefixed to it such remarks as occurred to the Editor, it may be only necessary here to state generally, that it has been his endeavour to make the Volume as interesting as possible. With that view, he has been at great pains to select from the mass of papers to which access had been obtained, such portions as he hoped would be acceptable to the Members of the Society. It may be observed, that the previous portion was originally intended to have been formed into a separate volume, to be entitled the Spottiswoode Papers. Upon reflection, it was determined that these documents should be included in the Miscellany, as they were not sufficiently bulky to make a separate publication.

Since the observations relative to Printing were thrown off, the Editor has obtained further evidence

of the inaccuracy of Watson's statement, that Evan Tyler had been deprived of the office of King's Printer.[1] During the Commonwealth, it was but natural to suppose, that the existing powers would not employ a person who had permitted the Proclamations and official documents of Charles II. to issue from his press, and in the interval, between the flight of Charles and his restoration, Tyler could not expect to receive any countenance from Cromwell; but after the Stuarts were restored to the throne of their ancestors, his truckling to the Parliament was overlooked, probably on account of his non-adherence to the Protector, and he was restored to the office of King's Printer. How long he continued to hold that office has not been ascertained, but the Editor has found Proclamations by the Privy Council that issued from his press, dated in 1664.

In a note to one of the Poems of Sir Henry Spottiswoode[2] it was asserted, on the authority of the Acts of Parliament (Thomson's Edition), that the Member for Forfar who protested against the sale of Charles I., was a person of the name of David Hunter[3]; but if Ochterlony's Account of the Shire of Forfar is to be credited, it would appear that the individual in question was Strang, the Provost of Forfar. It is a pity that there should be any dubiety as to one whose honest and manly bearing in this discreditable occasion, entitles him to the favourable opinion of posterity.

Edinburgh, December 1844.

[1] P. 298.

[2] At page 13, by a clerical error, the Poet is called the grandfather of Father Hay, in place of the uncle. See p. 168.

[3] P. 189.

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GENEALOGY

OF THE

FAMILY OF SPOTTISWOODE,

FROM THE MS. COLLECTION OF FATHER AUGUSTIN HAY,
CANON-REGULAR OF SAINT GENEVIEVE OF PARIS,
PRIOR OF SAINT PIEREMONTE, ETC.

GENEALOGY

OF THE

FAMILY OF SPOTTISWOODE.

The Family of Spottiswoode is of considerable antiquity in the county of Berwick, and its existence can be traced to an early period. Thus, Robert de Spotteswod del Counte de Berewyk, gives in his adherence to Edward I. in 1296.[1] A William de Spottiswod, notary-public, verifies the proceedings which on the 15th of December 1309 were adopted in Scotland, at the Abbey of Holyrood, against the Knights Templar in that kingdom. William, Bishop of St Andrews, and John de Solerio, "Clericus Domini Papæ," appeared as Commissioners, Walter de Clifton, and William de Middleton, the solitary members of this once powerful brotherhood remaining in Scotland, being the defendants. Various witnesses were examined, and the depositions are taken down by William de Spottiswod, who authenticated the correctness of the record.[2]

John Spottyswod, Laird of that Ilk, witnesses with many distinguished persons of that period, a charter by Alexander Lyndesay of Ormystoun, granted in implement of an agreement entered into between him and Alexander de Cockburn, relative to the marriage of the son of the former to the daughter of the latter. This charter is confirmed by David II., and the confirmation narrates the terms of the deed thus validated.[3] The Chartulary of Melrose contains three instruments witnessed by another John Spottiswod.[4] They are all executed within a month of each other, and the earliest, which bears date 5th February 1444, was subscribed at Edinburgh, "infra Hospicium Abbatis et Conventus de Melros.[5] Amongst the "Rotuli Scotiæ" occurs a safe conduct in the thirty-fifth year of the reign of Henry VI. for certain merchants, their ships and factors, granted on the supplication of Andrew, Abbot of Melrose. At the head of the list stands John Pottiswode or Spottiswode. He and his companions are licenced to proceed "cum una navi vocata le Anthony de Lythe in Scotia, portagii ducentorum doliorum vel infra, unde Robertus Perrison est magister."[6]

[1] Ragman Roll, 4to. p 140, Bannatyne Club Edition.
[2] Concilia Magnæ Brittaniæ, tom. II. F. 380. [3] Robertson's Index, p. 84.
[4] Liber de Melros, tom. II. p 568, 581, 585. [5] 8th July 1457. [6] Tom. II. 384.

From the interference of the Abbot of Melrose, it is not improbable that this may have been the same "John Spottiswod" who witnessed the deeds above referred to.

Douglas, in his "Baronage," gives the Genealogy of the Spottiswoodes, but comparatively little reliance is to be placed on his statements. The ruling principle on which the work was compiled was to magnify the importance of the Scottish gentry, and as he seems in a variety of instances to have adopted, without examination, whatever genealogies were furnished to him, the natural consequence has been that very little credence can be given to many things to be found in the volume. It is singular that although in his history of the Spottiswoodes, Douglas is constantly referring to the "writs" of the family, his omissions and blunders are innumerable; circumstances which would lead to the inference that he had never seen the writings on which he professes to rely.

The Family name, it may be here proper to notice, has been and still is spelt differently. Thus, in the older records, it is generally *Spotteswod*, *Spottyswod*, or *Spottiswod*. In the Melrose Charters, the same person is called once Spottiswod, and twice Spotiswode. In the inscription to the memory of the Archbishop (p. 6), his Grace is called Spotiswood. He is elsewhere indifferently called Spotswood, or Spottiswood. His father wrote his surname Spottiswod. Even at the present date the point seems unsettled, for, of two gentlemen, near relatives of each other, one is called Spottiswood, and the other Spottiswoode.

The following Genealogical Notes relative to this really ancient Family, are taken from the MSS. of Father Richard Augustin Hay, preserved in the Library of the Faculty of Advocates. This venerable ecclesiastic was a great-grandson of James Spottiswoode, Lord Bishop of Clogher, the brother of the Archbishop of St Andrews. In consequence of this relationship, the reverend gentleman had been at some pains to collect papers and documents relative to the various members of the distinguished Family with which he was maternally connected. The more valuable portion of these remains, with such additions as probably may be deemed interesting, will, it is trusted, be considered a somewhat appropriate commencement of the Miscellany of the Spottiswoode Society.

THE SPOTTISWOODE FAMILY.

SPOTSWOOD beareth Azure on a Chevron Argent, ane Sanglier's head couped.[1] Yet the Archbishop of Saint Andrews bore a Sanglier's head, arrached Gulds betwixt three trees Or. The Advocat[2] says, that they bear three Gerbes Or, in place of the three trees, which I have not observed any where. The Advocat says that they are thought to be descended of the Gordons, of whom one married the heretrix of Spotswood, upon which account they bear the boares head on the Chevron; but, in my opinion, this marks rather that the Spotswoods have matched with the Gordons,[3] and married one of their daughters.

[1] In his printed work Sir George Mackenzie gives the following Arms —"Argent, on a cheveron Gules, betwixt three Oak-trees vert, a Boar's Head coped of the Field."—Works, vol. ii. p. 612.

[2] Sir George Mackenzie, Lord Advocate. The MS. usually attributed to him according to a Note in the handwriting of Mr William Aikman of Cairnie, Advocate, on a copy in the Lyon Office, was originally compiled by Sir Patrick Lyon of Carse, one of the Lords of Session in the reign of Charles II., and merely enlarged by Sir George. The passage referred to by Father Hay is as follows:—"Spotswood beareth Azure on a chevron Argent, ane Sanglier's Head couped, Gules betwixt 3 Garbs Or. Of old they did bear 3 trees. They are descended of the Gordons, and therefore they bear the boar's head upon the chevron. This Gordon maryed the heretrix of Spotswood." "Collections of the most Remarkable Accounts that relate to the Families of Scotland," MS. in the Library of Faculty of Advocates.

[3] Nisbet, when noticing the tradition of the marriage of the heiress of Spottiswoode with a Gordon, observes—"Others say that the boar's head is carried as a sign of vassalage to the Gordons, who were overlords and superiors of their lands," vol. i. p. 363. This was probably the true explanation.

The most remarkable of this surname was Mr John Spotswood,[1] a sone of the house of Spotswood in the Merss, within the barony of Gordon, Superintendant of Lothian, Merss, and Teviotdale, which, by the space of 20 years, he governd most wisely. He espousd Beatrix Creighton, a grave matron, and a daughter of the house of Lugton near Dalkeith; he died the 5th of Decembre 1585, being about seventy-seven years of adge; his father was killed at Floudon, in the unfortunate battle wherein King James the Fourth died, and he left ane orpheline of fower years of adge. His childring were John and James.

John was borne in 1565: he succeded his adged father in the Personage of Calder att eighteen years of adge. Anno 1610 he was consecrated Archbishope of Glasgow, and removed from thence in 1615 to Saint Andrews. He crowned King Charles the First in 1633 att Holyrood-house; was made Chancellour after the Earle of Kinnoule's death anno 1635, which honour he enjoyed to his death with the approbation of all honest men. When the unhappy rebellion broke out he retired for safety of his life to Newcastle, and afterwards to London, where, after nine days' sickness, he died in peace. His buriall, by the care of King Charles, was solemnly ordered, and the corps was conveyed to the Abbey Church of Westminster by many mourners, 800 torches, many gentlemen, and all the King's servants; they were met by the Dean and Prebendars att the west door in their clericall habits, and buried according to the rites of the English Church. Above his corps the following words are ingraven upon brass:—

Memoriæ Sacrum. Dominus Joannes Spotiswood, Ecclesiæ Sancti Andreæ Archiepiscopus, Scotiæ Primas, et Regni Cancellarius, Viginti annos Presbyter, Undecem annos Archiepiscopus Glasgoensis, Viginti quinque annos Sancti Andreæ, et per quatuor annos Regni Scotiæ Cancellarius, ex hac vita in pace migravit, Anno Domini 1639. Sexto Kalendas Decembris Regni Caroli 15, Ætatis suæ 74.

Præsul, Senator, pene Martyr hic jacet,
Quo nemo sanctior, gravior, constantior,
Pro Ecclesia, pro Rege, pro Recta Fide,
Contra Sacrilegos, Perduelles, Perfidos,
Stetit ad extremum usque Vitæ Spiritum,

[1] According to Douglas he was born in 1509. See Baronage, p. 447.

Solitumque talium Meritorum Præmium
Diras Rapinas Exiliumque pertulit.
Sed hac in Urna, in Ore posterum, in Deo,
Victor potitur, Pace, Fama, Gloria.

M. D.

He builded upon his own charges the church of Darsy after the Englishe forme, which, if the boisterous hand of a mad reformation had not disordered, was one of the beautifullest pieces of worke that was left to our unhappy countrey: he gave large contributions for the relief of the Illes of Orkney in time of famine. He wrote the History of the Church of Scotland from the year 203 till the end of the reign of King James the Sixth, and dedicat it to King Charles the First. It was printed att London by John Flesher for Robert Royston, 1655, by the care of Mr Alexander Spottiswood, Advocat, sone to Sir Robert Spotswood. His picture is prefixed to the work with the following verse:—

Aspice, non frustra Veneranda hæc pingitur Icon,
Vivit adhuc, tanti quælibet umbra viri.
Prisca nitet Vultu Pietas, Virtusque sepulchri
Nescia, in Effigie noscit et ipsa mori.
Sic uno intuitu vultus, morumque volumen
Perlegis, et Pictor transit in Historicum.

As for the issue of his body it was numerous, but of all his childring three only came to perfect adge, whom he had by Rachel Lindesay, daughter to David Lindesay, Bishop of Ross, of the house of Edzell, ane honorable family in Scotland. His eldest sone was Sir John Spotswood of Darsy, whose sone was a sufferer with Montrosse upon the king's account. His second sone was Sir Robert Spotswood of New Abbay and Pentland, a great ornament to his nation for his many and rare abilities, who, after having studied nine years abroad, was for his great wisdome and knowledge in the laws prefer'd first by King James to be Lord of the Session Extraordinare, and afterward by King Charles not only to be constant President thereof, but to be his chief Secretarie for that nation. Whilst he was cloathed with that dignity he was sent by the King from Oxford with a commission; he past through Wales into Anglesy, and thence getting a passage into Lochaber, came into Athole, and was conducted by the men of Athole to Montrose, to whom, after he had made ane humble obeysance under the King's Stan-

dart, he deliverd the commission under the Great Seal, which he again gave into Archibald Primrose, Clerk of the Supreme Counsell, to be read aloud. Few days after he was taken in the fields near Philiphaugh by the Laird of Silvertonhill, one of the captains of the Earle of Lanerick, and was brought immediately thereafter to him, from whom he had that courteous and favourable reception that could have been expected from a man of honour eminent both in State and the Army. Yet, notwithstanding that quarters had been granted him in the field, he was prosecuted to death as a delinquent in the Parliament held in Saint Andrews in January 1646, notwithstanding he had been found guilty of no crime but that of loyalty and fidelity to his master, which in no records of law, nor in any adge, was ever reckond to be treason. Being upon the scaffold radie to suffer, he showed such a religious and honest boldness towards his countreymen as to call to as many of them as curiosity had brought thither to sie his end, that they should keep fast their duties to their God and to their King, and beware of those seditious ministers into whose mouths, as into the prophets of Achab, the lying spirit had entred, both to seduce them and to ruine that noble nation.

The History of Montrose, printed at London in 1652, hath what follows anent Sir Robert Spotswood, page 142. Sir Robert Spotswood, a man worthy of everlasting memory, he was raised by the favour of King James and King Charles unto great honours, as his singular vertues did merit. King James made him a Knight and a Privy Counsellour. King Charles advanced him to be Lord President of the Session, and after to be principal Secretarie of Scotland, page 148. He was a man admirable for his knowledge of things divine and humane, for his skill in the tongues, Hebrew, Chaldee, Syriack, Arabick, besides the Western Languages ; for his knowledge in history, law, and politicks, the honour and ornament of his countrey and his adge, for the integrity of his life, for his fidelity, for his justice, for his constancie : and a man of ane even tempere and ever agreeing with himself ; whose youth had no need to be ashamed of his childhood, and his riper years of his youth ; a severe observer of the old fashioned piety with all his soule, and yet one that was no vain and superstitious professor of it before others ; a

man easie to be made a friend, and very hard to be made ane enemy, page 142.

This excellent man, although his very enemies had nothing to lay to his charge through all his life, was found guilty of high treason, which is the more to be lamented, because he never bore arms against them, not knowing what belonged to the drawing of a sword. The only charge that was laid against him was, that by the King's command he brought his letters patents unto Montrose, whereby he was made Viceroye of the Kingdome and Generall of the Army, in which he had done nothing against the laws of the nation, page 143. But to speake ingenuously, the cause of his death was this. The Earle of Lanerick haveing been principall Secretary for Scotland, by his revolt unto the rebells forced his most Gracious King to the whole family of the Hamiltouns to take that office from so unthankful a man, and bestow it on ane other: nor was there any one found more worthy then Spotswood to be advanced to so high ane honour, and hence hapend that great weight of envie and revenge to be thrown upon him which, seeing he was not able to bear out, he was forced to fall under, page 143. When he was about to die, one Blair,[1] fearing the eloquence of so gallant a man, procured the Provost of Saint Andrews, who had been one of his father's servants, to stop his mouth. Sir Robert, after some discourses, laid down his neck to the fatal stroak with those last words:—"Mercifull Jesus, gather my soul unto thy Saints and Martyrs who have run before me in this race," page 149. His breathless body Heugh Scrimgeour, one of his father's servants, took care to bring forth, as the time would permitt, with a privat funerall, and a few days after espying the bloody scaffold not yet removed out of the place fell into a swound; and being carried home by his servants and neighbours, dyed at his very door.

I shall here sett down his intended discourse at his execution according to the copies then dispersed.

"You will expect to hear from me somewhat of the cause for the which I am brought hither att this time to suffer in this kind, which I am bound to doe for clearing the integrity of my own proceedings, vindicating his Majestie's just and

[1] In the edition of the work referred to, published in 1660, he is called "that sacrilegious thief Blair," p. 166.

pious intentions, and withall to undeceave you that are muzeld up in ignorance, and made to believe that you are tyed in conscience to set forward this unnatural rebellion, masked under the covert and pretext of propagating religion and maintaining of the publick liberty.

" You have perceivd by the force that's gone before, viz. tearing of my arms, &c. that I stand here adjudged to die by this pretended Parliament as a traytor to the Estates and enemy to my native countrey. This is a treason unheard of before in this kingdome against the Estates—a thing of a new creation, which I believe there be some would have erected in opposition to the just and lawfull authority of the King, under which we and our predecessors have been so many hundred years governd. To come to the particulars of my treasonable demannour, as they esteem it, the main one is that I did bring down a commission of Lieutenancy from his Majestie to the Lord Marquiss of Montrose, with a proclamation for indicting a Parliament by the King's authority, where the said Lord Marquiss was to be the Commissioner.

" Not to excuse myself upon the necessity laid upon me to obey his Majesty's command in all business of that nature, in regard of the charge I had about him, I cannot so far betray my own conscience as to keep up from you my judgement of the thing itself, since it may tend both to the justifying of the King's part and your better information, for lacke whereof I know many are entangled into this rebellion unwillingly. And who knoweth but God in his merciefull providence may have brought us hither to be the instruments of freeing you from the manifold delusions that are made use of to insnare you ? I say, then, that it was just and necessary to his Majestie to grant such commissions, and by consequence ane act of duty in me to perform what he was pleased to command me.

" It's known well enough what contentment his Majesty gave to this kingdome att his last being here both in the affairs of Church and Policy ; notwithstanding whereof the world seeth what meeting he hath got from us. When this Rebellion burst out first in England, all that he desired of us was only to stand neutral, and not to meddle between him and his subjects there, of which moderat desire of his little reckoning was made ; but, on the contrarie, at the re-

quest of those rebels, by the power of their faction amongst us, ane army was raised and sent into England, to assist them against our own native King. His Majestie being reduced to this extremity, what expedient could he have found so faire and easie as to make use of the help of such of his loyall subjects here as he knew had such an unparalleled disloyalty in horrour and detestation; amongst whom that matchless mirrour of all true worth and nobility, the Lord Marquiss of Montrose, having offered himself, it pleased his Majesty to give him ane subaltern commission att first, which having executed with such unheard success that his memory shall be had in honour for it in all ages, his Majesty, for the better furthering of his own service, and to countenance and encourage him the more in it, gave him ane absolute one and independant thereafter, which is that I delivered into his hands by his Majesty's command:—Herewith all his Majesty pitying the miseries of this poor kingdom, occasioned by the rebellious stubborness of a few factious spirits, thought fit to give power to the said Lord Marquiss to call a Parliament in his name, to try if by that means a remedy might be found against the present evills, and to have all the subjects of this kingdome reduced by one means or other under his obedience. In all this I see not what can be justly charged upon his Majesty, or upon me his servant, who have done nothing against any authorised law in the kingdome, but have served him faithfully, unto whom, by trust and natural allegiance, I owe so much.

"Whereas I am declared ane enemy to my native countrie, God be so propitious to me as my thoughts towards it have been always publick, and tending to the honour and good thereof. I doe profess, since the first time I had the honour to be of that noble Marquis' acquaintance, I have been ane favourer of his designs, knowing them to be both loyall and honourable, besides that I knew his affection towards his countrey to be eminent in this especially, that he did ever shew himself passionat to vindicat the honour of this kingdome, which suffereth every where by this strange combination of yours with the rebells of ane other kingdome against your own Prince, wherein I concurred in judgement with him, and thought there was no other ways to doe it but by setting up a party of true and loyall hearted Scotsmen for his

Majesty, whereby it might be seen that it is not a nationall defection, but only stirred up by a faction therein, who, for their own ends, have dishonoured their native kingdome and disturbed the peace thereof, in interprising and pursueing which heroical design God have so favoured that noble Lord, that he hath righted our country in the opinion of all the world, and discovered where the rotteness lyeth.

"This far I am contented to be counted a traytor in their opinion who have condemned me, being fully assured that God, the righteous Judge of all, who knoweth the uprightness and integrity of my intentions, will impute no fault to me in this kind, since to my knowledge I have carried myself according to the direction of his word and the practice of all good Christians, before the miserable times we have fallen into; my exhortation, therefore, which is comeing out at the point I am at, will, I hope, have some weight, shall be this unto you, that you would break off your sins by repentance; and, above all, free yourselves of that master sin of rebellion that reigneth in this land, wherein the most part are either forced or drawn unawares, chiefly at the instigation of those who should have directed them in the way of truth. It cannot but be a great judgement upon a land when God's singular mercies towards it are so little valued. He hath not given us a king in his wrath, but one who for piety, bounty, and all virtues, both Christian and moral, may be a pattern to all princes beside. But how little thankful we are to God for so great a blessing our respect towards him manifesteth; yet I fear there is a greater judgement than this upon it, which occasions all the mischief that afflicts this poor land, such as was sent upon Achab. God hath put a lying spirit in the mouths of the most part of our prophets, who, instead of the doctrine of salvation, labour to bring their hearers into the condemnation of Core or Corah. God Almighty look upon this miserable Church and kingdome, and relieve you of that intollerable servitude you lay under, which as I doe heartily wish for in your behalfe, so let me have the assistance of your prayers, that God would be pleased to pardon all my sins in Jesus Christ, and gather my soule with the saints and martyrs that are gone to their rest before. So I bid the world and you farewell."

I remember to have heard one John Doby, a tenant in Roseline,[1] who knew Sir Robert particularly, tell that he was a proper man, that he rode exceedingly well the horse, and was a great hunter. And my Lord Tarbert[2] told me then when he was upon the scaffold, the whole buttons of his breast lappe off, and the principal reason of his death was because he was sone to the Archbishop of Saint Andrews.

As for his nephew, John Spotiswood, commonly called Young Darsye, he was a compleat young gentleman, and very worthy of pity, if any had been showen. He was ane excellent spirit, and a good scholar, and I heard the said Lord Tarbert tell that when Montrose was going out of the Tolbooth to the scaffold, Darsye was admitted to give him his last adieus in verse, which he did after such a manner that he drew tears out of the Marquis's eyes, who leaned upon him and kissed him, his hands being at that time tyed with cords, as Christ's were, when he was conveyed to the cross. I have heard the said Lord repeat frequently in privat a great part of that poeme, which I found very good; as also several other verses of the said Darsye's, anent the King's troubles, whereof I conserve the originals, which I recovered in Scotland, in the hands of Sir William Drummond of Hawthornden.[3] Darsye was young when he died; he went over in a small barke of Bergen in Norway with Sir John Hurry, John Drummond of Ball, Henry Grahame, brother to Montrose, John Lilly, Patrick Melvin, both Captains, George Wischeart, Doctor of Divinity, afterwards Bishop of Edinburgh, David Guthrie, and Pardus Lawson, a Frenchman, other times a servant to the Lord Gordon in 1646, to shun the plots of the Covenanters; from whence returning home with Montrose, he was taken prisoner about the same-time that the Lord Aston[4] took the Marquis in Caithness.

[1] Ann Spottiswoode, the Archbishop's daughter, was the wife of Sir William Sinclair of Roslin.

[2] Better known as the first Earl of Cromarty.

[3] The poems ascribed by Father Hay to Darsie, subsequently were ascertained by him to have been the composition of his own grandfather, Sir Henry Spottiswoode, the Archbishop's nephew, and son of Dr James Spottiswoode, Bishop of Clogher. The Sir William Drummond mentioned was the eldest son of the Poet by Elizabeth Logan, who is asserted to have been a grand-daughter of Logan of Restalrig.

[4] Although called Aston, the party meant was the Laird of Assint, a worthy of the name of Macleod, to whose house Montrose had escaped,

He was brought to Edinburgh, where in 1650, the twenty-two of May, he was beheaded with Hurry,[1] Sir Francis Hay of Dalgetty a Roman Catholic, Colonel Sibbald, which two the nation could not afford two more accomplished persons for bodie and parts, and Captain Charters, all loosing their heads on the same scaffold whereon Montrose died, the 21st of May 1650.

Sir Robert wrote the Practicks[2] of the house, which are found in manuscripts in the hands of severals. His childering were Mr Alexander Spotiswood, advocat, whose sone is John Spotswood, advocat; the Ladie Innerleith, married to one Hallyburton of Innerleith. There was ane other daughter as I think married to Baliff Sympson at Dysart, yet I cannot tell positively whether she was Sir Robert's daughter or Sir John's, notwithstanding that I staid sometime with her whilst a childe. The third childe of Bishop Spotswood, was Anna, married to Sir William Sinclair of Rosline, one of the antient barons of that antient kingdome of Scotland; she bore to him John, surnamed the Prince; James, who redeemed the lands of Rosline, and married Jean Spotswood,[3] my mother; Lewis, who died a Captain in Danemark; Helen Lady Banockburn and Herbertshire, married first to one Rollo, and afterwards to one M'Kenzie, brother to the Earl of Seaforth. The other sone of the

and who sold him to General Leslie for four hundred bolls of meal.—See Arnot's Criminal Trials, p. 234. In consequence of pecuniary difficulties, the estate of Assynt was carried off from Niell M'Leod, the ninth Baron, by an apprising, and was not redeemed by his successor Donald, who with his descendants were designed as of Geanies in Ross-shire.

[1] "But the tragedie was not yet full, for Hurrie was the next in that bloodie roll, who pleading the benefit of quarter, and a great charge of children, thought to have tasted of the Parliament's mercy. But he was condemned, notwithstanding, to lose his head in the same place. Jealous they were of him before when he was engaged in their service against Montrose, but could not produce any sufficient evidence."—History of Montrose's Wars, 1660, 12mo. p. 113.

[2] These were published by his grandson, John Spottiswoode of that Ilk, advocate, at Edinburgh in 1706, folio.

[3] Jean Spottiswoode, a grand-daughter of the Bishop of Clogher, married first George Hay, a younger son of Sir John Hay of Barra, of which marriage Father Hay was a son; and secondly, James Sinclair of Roslin, by whom she had two sons and a daughter. Douglas asserts she was a daughter of the Bishop, and sister, in place of daughter, of Sir Henry; but Father Hay's declaration as to who was the father of his own mother is decisive on this point.

superintendant was James Spotswood, Doctor of Divinity; he was borne upon the seventh of September 1567 at Calder, some eight miles westward from Edinburgh. He was bred up in his father's house under Mr William Strange, first minister of Kirkliston, and thereafter of Irwin in the West. He was made master of arts in August 1583 in the University of Glasgow; he had some time a pension allowed him out of the Abbacie of Deer, which being revoked, he was enrolled in 1589 as one who should attend the King to Danemark as Gentleman Usher, Anno primo Jacobi Primi, in England he was beneficed in Norfolk at Wells, juxta mare. In December, and in 1620,[1] was preferred to the Bishoprick of Clochar in Ireland, and after Malcolm Hamilton's death was named to the Archbishoprick of Cashill, which he refused. He died at London in March 1644, and was buried in Westminster near his brother Chancellour Spotswood. He married first a daughter of the house of Norfolke, and afterwards one widow Perkins. In the first marriage he had a daughter, married to Mr Archibald Arskine, sone to Sir James Areskine, and a sone named Sir Henry, who married Jean Bulkley, and begot Jean my mother, and ane other daughter settled in England; Sir Henry and Richard of Drumbote, my uncle and godfather.[2]

[1] Sie in M.S.

[2] Father Hay gives the following aeeount of the pedigree of his mother "through the Bulcklays (Bulkeleys):"—

"John of Gaunt, Duke of Laneastre, fourthe sone to Edward the Third; Jean, wife to Ralph Nevill Earle of Westmoreland; John Nevill Lord Farnival; Maude, wife to John Lord Talbot Earle of Salloppe; John Earle of Salloppe, and Elizabeth, daughter to Gilbert Talbot; John Talbote Earle of Salloppe; Roger Earle of Mereh; Kathrine, wife to Thomas Beauchamp Earle of Warwiek; Isabell, wife to James Butler Earle of Ormond; John Talbot of Grafton, Knight; Anne, wife to Thomas Needham of Sheunston, Knight; Agnes, wife to Richard Bulkeley of Beamares, Knight; Tristram Bulkeley of Castilbornhill in Anglesay, who married Mary Evens, upon whom he begot Jean Bulkelay, spouse to Sir Henry Spotswood, Gentleman of the Privy Chamber and of the Green Cloath. Her aunt was Henry Poore Viscount of Valeneia his wife, to whose fortune Sir Henry Spotswood was to suceeed. Sir Henry begot upon this lady Jean Spotswood, my mother, who married Mr George Hay, sone to Sir John Hay of Barra, Lord Register of Scotland, by whom she had John, Jean, Riehard, George, and Marie; and after her first husband's death she married James Sinclair of Roslin, Esquire, and bore to him Helen, present Lady Graden, James, page of honour to Queen Marie, and

Cornet of her Guards, who was kill'd att the Boyn in Ireland, Alexander Laird of Roslin, and Anne, who died a child, and Thomas."

From the same authority we learn that Sir John Hay of Barra, who was a royalist, and was taken prisoner at Philiphaugh, saved his life by giving the Earl of Lanrick a liferent of his lands in Galloway, whilst those who would not in a similar way remove the scruples of their opponents "were arraigned and conveyed to the scaffold."—Hay's Memoirs, MS. vol. iii. p. 107.—Sir John died on the 20th of November 1654, at Dnddingston, and was interred on the 24th in the Grey-Friars' churchyard, Edinburgh.

PAPERS

RELATIVE TO THE

MURDER OF MATTHEW SINCLAIR BY JOHN SPOTTISWOODE OF THAT ILK, 1611.

FROM THE BALFOUR MSS. IN THE LIBRARY OF THE FACULTY OF ADVOCATES.

PAPERS

RELATIVE TO THE

MURDER OF MATTHEW SINCLAIR BY JOHN SPOTTISWOODE OF THAT ILK.

The ensuing Papers relate to the death of Matthew Sinclair, brother of the Laird of Longformacus, in the county of Berwick, by the hand of John Spottiswoode of Spottiswoode, and the attempt of James VI., through his Privy Council, to put an end to the feud that consequently arose between these two neighbouring Border Families.

It has been occasionally the fashion to vituperate the moral and political character of King James, but whatever may be said of the former—and perhaps something might be urged in extenuation, at least as regards the latter—his rule in Scotland, however unpalatable to the aristocracy, was indubitably beneficial to the great mass of his subjects. He was the first Scottish monarch who effectually curbed an unprincipled and factious Nobility; and though the means he adopted were not exactly conformable to our ideas of propriety and fair-dealing, we must not forget that in those days the notions of right and wrong were somewhat different from what they are in ours, and that it was no uncommon maxim amongst those whom his Majesty was in his youth taught to venerate that "the end justifies the means."[1] James evidently followed the example of his ancestor Henry VII., a monarch of infinite sagacity and foresight, who having had personal experience of the miseries occasioned to the Commonwealth by the ambition and wealth of the proud and powerful English Barons, gradually undermined their influence, and left his dominions to his son secure at least from internal commotion.

1 Thus the assassination of Beaton is characterised by the Reformer Knox as "*a godly fact*."

Although at the time of the unfortunate event recorded in these Papers the King was resident in England, he had correct information as to the passing events in his native kingdom, and as he had had pretty good experience, from the frequency of such occurrences, of the best mode of extinguishing the feud likely to follow, he endeavoured to bring about an amicable adjustment ; and as money was then, as now, a plaster for many sores, he judiciously concluded that a donative of a handsome sum by the offender to the relatives of the deceased might be accepted as an adequate reparation for the slaughter of their kinsman, and a sufficient atonement for the injury to their honour.

It appears, however, that the Sinclairs were not disposed at first to accept this mode of reparation, as they intimated a very decided preference for the trial of the offender by the Court of Justiciary. Perhaps this reluctance was assumed either to increase the fine, or to flatter his Majesty into a belief that the subsequent concession was solely in obedience to his wishes. Probably both motives may have operated. One thing is clear, that, as no traces of any subsequent trial occur in the Records of Justiciary at that period, which are all preserved, it is no very violent conjecture to suppose that the influence of the "Diva Pecunia" prevented it.

The Laird of Spottiswoode had an unlucky taste for violent excitement, as not many years before this, viz. on the 28th March 1605, he had been "dilaitit" art and part "of the feloun and cruall slauchter of umquhill Thomas Quhippo of Ley-Houssis, committit in the moneth of June, the zeir of God 1595 zeirs, vpon set purpois, provissioun, and foirthocht felounie." James Tennant of Lyrhouse, his security, was fined five hundred merks "for nocht entry of the said John to vnderlie the law," and John himself was denounced rebel, and put to the horn for not venturing to stand his trial.

This fugitation took place on the 18th of March 1605, nevertheless John was served heir to his brother William, on the 19th of April following, in the five-pound land, of old extent, of Spottiswode, in the Lordship of Thirlstane and Baillerie of Lauderdale, by annexation, as well as in the nine-husband-lands "in villa de Rawburn," all in the county of Berwick. It is not improbable, from this service, that John had contrived to buy his peace from the relatives of "umquhile Thomas Quhippo."

Douglas[1] asserts that John succeeded to the estate in consequence of the death of his brother "William," who died "unmarried anno 1594," and that he "did not long survive" him. Now, as the ensuing Papers prove that John was alive in 1611, it is plain that the genealogist must be mistaken either as to William's death or the shortness of the survivency of his brother. In both instances he is in error, as the will of William, who is designed Spottiswoode of that Ilk, preserved in the Register of Testaments, is dated 16th December 1601, and there is no doubt that John survived him at least twenty-three years.

The evidences previously noticed are not the only ones in which the taste of the family of Spottiswoode for the ordinary recreations of Border life has been displayed. Thus, on the 13th November 1493 (6th of James IV.), James Spottiswode the younger, with Adam Spottiswode and Thomas Wood, obtained a remission for being guilty, art

[1] Page 447.

and part, of the cruel slaughter of Thomas Burne in the town [*Anglice* farm] of Blythe, and also for art and part of the forethought felony done to Alexander Hog. The Laird of Spottiswoode became surety for satisfying the parties injured. On the same day the aforesaid hopeful gentleman Mr James Spottiswoode, with one Robert Steill, "came in the King's will" for the forethought felony done to James Weddael of Blyth. Upon this occasion the old Laird again tendered his security. The two penitents were each fined three pounds—Scots it is to be presumed.

The next day (4th November) the Laird himself, together with his two sons Adam and James, and his brother George, "came in the King's will" for forethought felony done to William Knox and Cuthbert Forster. The Laird became surety for himself and his relatives, and justice was satisfied by the imposition of a fine on each of two pounds.

Neither James, Adam, nor their uncle George, are noticed by Douglas. He mentions a James Spottiswoode, who died shortly after the accession of James IV., who was the father of William, who again was father of David, and of John, said to be the father of Archbishop Spottiswoode. Now, the Fourth James commenced his reign in 1488, and was killed in 1513 at the Battle of Flodden, in which William Spottiswoode is said also to have fallen. It is somewhat singular that James the younger, and Adam his brother, should have been cut off between 1493, the date of the sentence and the year 1513, to make way for William. Again, David is represented as having departed this life "at the end of the reign of King James V." As the monarch died in 1542, this occurrence must have happened before that date, yet, strange to say, the party thus stated as dead by Douglas was alive long subsequently.

On the 9th of December 1561, Edgar of "Woddirlye" and others were indicted,[1] but acquitted, on a charge of assaulting with intention to kill certain tenants of the lands of "Rawburne," within the shire of Berwick, then belonging to and in the possession of David Spottiswoode. Again, David is in 1564 the party named in the contract between the Kerrs and the Scotts, alongst with Thomas Hoppringill of that Ilk, as the arbitrator on the part of Sir Walter Kerr of Cessford, on the "deidlie feid and actions" between Sir Walter and James Ormistoun of that Ilk.

Douglas next tells us that David was succeeded by Ninian, his only son, who was served heir to his father in the year 1550. Ninian died, says the same high authority, in the beginning of the reign of James VI.; that is to say, shortly after the year 1567. Nevertheless, although so unceremoniously disposed of in the "Baronage," David was still busied with worldly matters, till the month of September 1570,[2] and in place of having only one son, he had no less than five, viz. Ninian his heir, George, William, Alexander, and John, for whose half years' "burding" with "Robert Futhie in Dunbar," there was owing at his father's death "ten punds." This is proved by the Criminal Records, where it appears that George Spottiswoode, the brother-german of Ninian, was slain in June, 1588, by John Congiltoune, gardener in the "Plesance" of Edinburgh. On the 10th of November 1602, when brought to the bar at the

[1] A Richard Spottiswoode is mentioned as upon the inquest on this occasion.

[2] His testament is registered in the third volume of the Commissary Records of Edinburgh, under the date of 6th July 1575.

instance of Agnes Spottiswoode,[1] the only daughter of the deceased, the accused pleaded a remission under the Privy Seal, dated at Edinburgh, 3d March 1588, and produced a *letter of slains*[2] granted to him by William Spottiswoode of that Ilk, Mr John Spottiswode, " his father-brother," William, Alexander, and —— Spottiswoode, brothers of the deceased, and Christian Thomsoune, the widow, dated the 22d February 1588. The production of this document put a stop to the trial, the object of which was evidently to extract a little money, as the pannel found surety to satisfy all the parties interested.

Ninian was in possession of the estate of Spottiswoode in 1582, as his name as a landholder occurs in the assize who on the 16th June of that year acquitted George Hume of Spott of the charge of murder brought against him. He was the father of William, who, though *killed* by Douglas in 1594, was alive in 1600, and of John, who figures as the principal character in the tragic drama that follows. John was alive in 1624, as on the 24th of January of that year he was served heir in general to his father Ninian Spottiswoode of that Ilk.

[1] As a proof of the want of uniformity in spelling even in the same writ, the father is called *Spotiswod*, and the daughter *Spottiswood*.

[2] "If the party doth willingly grant a discharge of all grudge or revenge in the crime of murder, this discharge is called a *letter of slanes*, and is called by the Doctors *Literæ Pacis*." Mackenzie's Crim. Law, second edition, Edinburgh, 1699, folio, p. 275.

MURDER OF MATTHEW SINCLAIR.

I.—LETTER OF THE LORDS OF THE PRIVY COUNCIL OF SCOTLAND TO HIS MAJESTY KING JAMES VI. RELATIVE TO THE SLAUGHTER OF MATTHEW SINCLAIR BY JOHN SPOTTISWOODE OF THAT ILK.

Most gracious and sacred Souerane,

ACCORDING to your Maiestie's directioun we convenit befoir ws the Laird of Locharmachus[1] and his brethren, and the Laird of Spottiswoode, and did vrge the reconsiliatioune and aggreement of that feid betuix thame, with all suche arguments as possiblie we could, laying before thame the great care, pains, and travellis

[1] Robert Sinclair of Longformacus, in the county of Berwick, was the eldest son of Matthew Sinclair of Longformacus, by Elizabeth, daughter of John Swinton of that Ilk. He was served heir to his father 4th May 1609. According to Douglas, Matthew, the father, died in 1603. Baronage, p. 251. In his account of the sons of this Matthew, Douglas omits all notice of John Sinclair, the Edinburgh burgess, and Matthew, who was murdered by his friend the Laird of Spottiswoode, and who appears to have left a wife and child. He introduces George, who, he asserts, p. 89, "is mentioned in a precept of *clare-constat* by William Sinclair of Roslin, as brother of Robert Sinclair of Longformacus, anno 1604;" and makes him father of John, also an Edinburgh burgess, who, 1st June 1624, acquired the barony of Stevenston in the county of Haddington. Father Hay, in his account of the Family of St Clair, mentions that the Stevenston branch of the St Clairs came "of a brewer in Leith." Genealogie of the Sainte-Claires of Rosslyn. Edin. 1835, 4to, p. 174.

tane be your Maiestie, and the happie and goode succes whiche your Maiestie hes had in the removing of the deidlie feidis in this kingdome; and that your Maiestie in particular had recommendit vnto ws the removing of this feid, wharein Lochormachus had so mutche the more reasoun for him to be conformable, in regaird of the circumstances of the turne, the partyis being tender and deir freinds then standing in most hairty and brotherlie kyndnes, and that vnhappy slaughter having fallen oute, vpoun a suddane chaud-mella,[1] and in Spottiswoodis awne defence, whairunto Locharmachus and his brethren gaif this ansuer, that in the course and progress of this haill actioune they had cary'd thame selfis with that reverent respect and regaird to your sacred Maiestie, whilk becometh humble and dewtiful subiectis, contenting thame selfis simplie to seek the benefeit of your Maiestie's lawis in the forme and ordour sett doun in the act of feidis, without ony purpois or intention of vnlauchfull and priuat revenge; and to that point alledgeit be Spottiswoode of his awne defence, they say that yf so prove trew in the ordinar criminall iudgement, thay will without furder ceremonie or circumstance tak him be the hand, and renounce their feid and quarrell; but thay refuse their consent to ony vther precognition or tryall, vnless Spottiswoode wald enter his persone in warde to be forthcomeand to iustice in cais he succumbit. And so finding thaime to stand vpoun thir termes at thair first appeirance before ws, we thoght meete to continew the mater for aucht dayis, that in the meantyme Spottiswode might gif in his offers, and that freindis might deal betuix thame to draw thame to some pointis of conformitie, but after three vtheris continewationis, vpoun hoip to haif drawine thame to some reasonable termes of composition, in end at their last appearance befoir ws, wpoune the secund of this instant, we ressauit in write from Lochormachus and his brother their answer to Spotiswoodis offers. Whilkis offers, with the ansuer, we haif heirwith send vp to your sacred Maiestie, that after consideration thairof, your Maiestie may returne vnto ws your will and pleasour what farder your Maiestie will haif to be done thairin. And so with oure humble and hairty

[1] "*Chaud-melle*, Latinè *Rixa*, ane hoat suddain tuilzie or debaite, quhilk is opposed to forthoucht fellonie." Skene De Sig. Ver.

prayeris vnto God, recommending your sacred Maiestie vnto his divyne and faderlie protectioun, we rest for evir,

Your Maiestie's most humble and obedyent subiectis and servitouris,

EDINBURGH,
The Fourte of July 1611.

AL. CANCELLARIUS.[1] GLASGOW.[2]
CASSILLIS.
BLANTYR. D. SCONE. LOTHIANE.
ALEX. HAY.

[1] Alexander Seton, Earl of Dunfermline, Lord Chancellor, who died 16th June 1622. The following intimation of his death, subscribed by Spottiswoode and other Lords of the Privy Council, was enclosed by the Earl of Melrose under cover to John Murray, afterwards Earl of Annandale, to be delivered to the King.

"MOST SAERED SOUERANE,

"IT hes pleased God, this moirning, to eall to his mercie, frome this mortall lyffe, the laite Erle of Dunfermlyne, your Maiesties faithfull and trustie counsellour, by whose deathe we ar depryued of grite assistanee, solide eounsell, and perfyte resolutioun, whilk by him we had in your Maiesteis affaires, and of whose panefull trauellis, eair, and diligence in your Maiesteis sernice, we can beare goode reeord. But seeing, in Godis appointit tyme, he hes compleit his course, to the regrait of all your Maiesteis goode subiectis, we could not omitt of dewtie, in regaird of the grite and honovrable place whilk he held in this Estate, to gif notiee of his deathe vnto youre Maiestie, and thairwithall humelie to beseeke your Maiestie to latt ws knowe quhat your Maiestie will gif, in directioun to ws, concerning your affairis and seruice, till your Maiestie sall haif tyme and laiser to think vpoun a new choise to be maid for that honnourable place, whairof we persuade oure selffis that youre Maiestie, oute of your awne excellent iudgement, will considder that the affairis ean not, without preiudiee, admit ony lang delay, and that choise sal be maid of suehe a fitt persone, whose giftis wil be ansuerable to that heigh imployment. And speeialie we ar to recommend vnto your Maiestie the neeessite of a present choise to be maid of some persone whome your Maiestie will truste with the keeping of your Maiesteis easshett, beeaus the dispatche of all the publiet affairis of the state, alsweele eoneerning your Maiestie as youre subiectis, quhairunto your Maiesteis hand, vnder the casshett, is requisite, dependis thairon. In the meantyme we haif thoght it expedient that your Maiesteis grite seale salbe ressaued and keeped by ordour, to be prescryued be your Counsell, who wilbe ansuerable that no vse salbe maid of it till your Maiesteis goode pleasour salbe thairin knowne vnto ws, at whilk tyme the seale salbe delyverit to suche as your Maiestie salbe pleased to command. And so, with oure humble prayeris vnto God for your Maiesteis lang and happie reign, we rest your, &c."

[2] Arehbishop Spottiswoode, who held the See of Glasgow until his translation to St Andrews in 1615.

II.—OFFERIS MAID BE JOHNNE SPOTTISWOOD OF THAT ILK TO THE RYCHT HONNOURABLE ROBERT SINCLER OF LANGFORMACUS, JOHNNE SINCLER, BURGES OF EDINBURGH, GEORGE SINCLER, HIS BRETHERINE, THE RELICT, BAIRNIS, KIN, AND FREINDIS OF UMQUHILL MATHEW SINCLER, BROTHER GERMANE TO THE LAIRD OF LANGFORMACUS.

In the first, I, the said Johnne, vnfeinzedlie repentis fra the bottome of my hairt the vnhappie and dolefull slauchter of the said Mathew Sinclair, committed be me aganis him, quha wes my freind most enteirlie belovit that euer I had in this warld; protesting before the Lord, quha maun judge all hairtis, that for that deid fact I haue passit my dayis and tyme euir since in greiff of conscience and bitternes of hairt; remembering the grite and tendir affectioun amongst ws evir intertenyit, in all brotherlie love, till that instant tyme that the devill, taking advantage, maid me instrument of that lamentable and wicked deid. And thairfore first cravis mercie of the Lord, and nixt of the partyis foirsaidis, beseiking thame for Christis saik to forgive me, and to ressaue my offeris, and quhat satisfactioun lyis in my power to do to thame, or quhat they can requyre that I salbe able to perfyte.

And that they may knaw I am penitent, and deallis vnfeinzeidly in this mater, first, I refer me to thame selffis what homage and assythment thay will command me in my persone and body to do (my lyff being excepted) I will obey; nixt, knowing my awine hard estaite, quhilk I doubt not is notour to thame selffis, I offer in money ane thousand merkis, quhilk I protest to the Almichtie God is aboue my power, and I haue no meanis that I know to exceid the samyn. Nochwithstanding, gif I micht, I sould gif als grite sowme as wer in my possibilitye to gif, albeit I sould leive in miserie thairefter, my burdyne and exhorbitant chargeis being sua accressit since the committing of that evil fact, that I am altogidder broght to ruyne; quairof I get agane prayis thame, for Christis saik, to haue pitie and consideratioun.

Gif thir heidis foirsaidis sall not satisfie thame, I will farther submitt my selff to be jugeit in all thingis quhilk

possiblie I am able to performe be thair narrest kynnismen and freindis, viz. the Richt Honnorable William Sincler of Roisling, Robert Swentoun of that Ilk, [1]Sincler of Hirdmastoun, and William Sincler of Blanss; and quhateuir thay decrite and decerne me to do (my lyff being excepted) I sall obey in all humilitie of hairt and body, praying thame to accept my offeris, and to remembir the grite love, freindschip, and blude that wes amongst ws, dissoluit in that vnhappie hour, be my wicked procurement, quhairof I hoip in the Lord repentance will accompany me to the grave, howsoeuir thay will account of me. In witnes quhairof, I haue subscryvit thir presentis with my hand as followis, before thir witnessis, James Makdowgall of Manerhill, Robert Blunt, seruitour to Johne Archibischop of Glasgow, and Johne Hendirsoun, seruitour to Mr Wm. Hay, Aduocat. *Sic subscribitur*, JOHNNE SPOTISWOOD of that Ilk, JAMES M'DOWELL, witnes, ROBERT BLUNT, witness, J. HENRYSOUN, witness.

III.—ANSWERIS MAID TO THE OFFERIS GEVIN BE JOHNNE SPOTTISWOOD OF THAT ILK TO ROBERT SINCLAIR OF LANGFORMACUS, AND JOHNNE SINCLER, HIS BRUTHER, PAIRTYIS ONLIE PRESENT AND SUMMONIT TO COMPEIR BEFORE THE LORDIS OF SECRITE COUNSAILL.

PLEIS 3our Lordschipis of his moist sacred Maiesteis moist honnourable Prevey Counsaill, that we, the saidis Robert and Johnne Sinclairis, haue red and considderit the offeris gevin in be the Laird of Spottiswood to be schawin to ws.

First, we protest that we resaued thame be commandiement of 3our moist honnourable Lordschippis, sua that na imputatioun justlie may be attributed to ws for vewing and reiding thairof, proceiding frome his Maiesteis rebell and ane excommvnicat persone, and sua Godis and his Maiesteis enemye.

Nixt, we ar nocht onlie oure alanes, these personis quha sould give ansueris to the saidis offeris, being bot tua of oure vmquhill brother his brethir, he haueing on lyff ane bairne, relict and tutour in law to the said bairne, nathir summonit nor present.

[1] Sic in MS.

And for oure entres we maist humblie desyre of his sacred Maiestie, quha euir hes bene affected to justice, and cheif patrone thairof, that his Maiesteis lawis may haue course in the said mater to the pvnischement of the nocent, and conforte of the innocent; and gif it try that the murthour of oure brother wes committed be the said Johnne in his awne defence, before the Judge Ordiner the Cheif Justice, we sall willinglie imbrace him and tak him be the hand.

And these ansueris, in all humilitie and dew reverence, we refer to be considerit be his most Sacred Maiestie and Lordis of his Most Honnourable Preuey Counsall.

REFUTATIO LIBELLI

DE

REGIMINE ECCLESIÆ SCOTICANÆ.

1620.

REFUTATIO LIBELLI

DE

REGIMINE ECCLESIÆ SCOTICANÆ.

The only work of Archbishop Spottiswood, published by himself[1], is the ensuing refutation of a treatise from the pen of David Calderwood, entitled "De Regimine Ecclesiæ Scoticanæ Brevis Relatio," printed in 1620, 8vo. The Archbishop did not remain long unanswered, as Calderwood replied in the "Vindiciæ" subjoined to his "Altare Damascenum."[2]

The contest between this sturdy Presbyterian and the Archbishop arose out of the Five Articles of Perth, in the confirmation of which his Grace had been very active. The following extract from the Reverend John Parker Lawson's excellent "History of the Episcopal Church of Scotland from the Reformation to the Revolution,"[3] will give the reader every necessary information on the subject. After noticing the meeting of the Assembly in 1618 at Perth, a feeble attempt to exclude the Archbishop from the chair as Moderator, the presentation of the King's Letter, and the nomination of Members of Committee to form a "Privy Conference," who met in the afternoon to discuss the Five Articles, he proceeds—"On the following day the Assembly met at eight in the morning, and the Five Articles were again debated. Another meeting was held in the afternoon. On the morning of the ensuing day Bishop Cowpar[4] preached a sermon on Rom. xiv. 19, after which was the last sitting. Archbishop Spottiswoode now urged the Assembly to conform. He refuted sundry scandals and misrepresentations which had been industriously circulated by malicious persons, and declared his conviction that, there was neither man nor woman, rich nor poor, in Scotland, some few precise persons excepted, who were not only content, but also wished the order kneeling (at the Communion) to be received, of which he had good proof and experience in his own city of St Andrews, and in this town of Perth since he had come hither.' The Archbishop then mentioned the circumstance of a pamphlet having been found in the pulpit at Edinburgh, charging the Bishops with attempting to introduce the Roman Catholic religion; but in reply he maintained that "ceremonies make not separation betwixt us and the Roman Church, but their idolatry, which if Romanists would forsake, they would meet them midway and join with them." Before the calling of the roll the King's letter was again read. The Presbyterian party

[1] It was printed at London "ex officina Nortoniana apud Joan. Billium. MDCXX, 12mo.
[2] Irving's Lives of Scotish Writers, Edin. 1839, 8vo. Vol. I, p. 318.
[3] Edinburgh, 1844, p. 394.
[4] William Cowpar, Bishop of Galloway.

attempted to limit the right of voting purposely to exclude certain persons; but Archbishop Spottiswoode would not allow this proposal, and declared that 'if all Scotland were there present they should vote.' The vote was then taken, and the Five Articles were ratified by a great majority. After some routine business the Assembly was dissolved. On the 21st of October the Articles were sanctioned by an act of the Privy Council, and the King's proclamation to that effect was published at the Cross of Edinburgh on the 26th."

"The Five Articles of Perth," continues Mr Lawson, "were—1. Kneeling when receiving the Holy Communion; 2. The administration of the Holy Communion to the sick, dying, or infirm persons in their houses, in cases of urgent necessity; 3. The administration of Baptism in private under similar circumstances; 4. The confirmation of the young by the Bishop of the Diocese; 5. The observance of the five great commemorations of the Christian Church—'the Birth, Passion, Resurrection, Ascension, and sending down of the Holy Ghost.' The second is expressed in the same words as the first of the two Articles admitted by the General Assembly held at St Andrews in the previous year respecting the private administration of the Communion, with merely a few verbal alterations, and the number of persons to be present and communicate was limited to three or four instead of six. The Five Articles were ordered to be read and enforced in all the parish churches throughout the kingdom, and proclamations were published, enjoining obedience and conformity, at the Market Cross of all the principal towns. Yet such was the opposition of some of the Presbyterian party to these Primitive and Catholic commemorations of the great events connected with human redemption, that the order was in many cases disregarded, which caused considerable distractions, especially in Edinburgh."

The King had all along set his heart on the adoption of these Articles, and advised with many persons of intelligence on the subject. Amongst other eminent persons consulted was the Reverend James Galloway, the father of the first Lord Dunkeld, who addressed a letter to his Majesty, dated Nov. 5, 1617, wherein he gave his opinions very freely.[1] He was averse to the keeping of holidays, and proposed when they fell on a week day that they "sould be referred to the nixt Lordis day." Neither did he approve of baptism in private houses. The administration of the Lord's Supper out of the Church he assented to in case of extreme necessity, but he objected to granting it absolutely, "for then enerie wyfe most have it before she come to Church from her chyld bed, and every headache must have the Communioun before it come to the calsay." As to receiving the Lord's Supper kneeling he observes, "that the actioun itself should be according to the custome vsed in such actions, and that is to eat and drink sitting, and as communicantis with our Lord to rejoyce with him at his table."

[1] See Letters and State Papers of the Reign of James VI., presented to the Abbotsford Club by Adam Anderson, Esq. Her Majesty's Solicitor-General. Edinburgh, 1838, p. 305.

ILLVSTRISSIMO

ET

SVMMÆ SPEI CAROLO BRITANNIARVM PRINCIPI.

GERMANUM Ecclesiæ nostræ statum, resque in ea gestas iam inde à vindicata religione, vsque ad hæc nostra tempora, tui potissimum interest nosse, Illustrissime Princeps, verisimile namque est, tibi negotium eum eiusdem sectæ asseclis futurum, qui Parenti tuo Maximo, maximas molestias sæpe pepererunt: quorum artes, et astutias quisquis penitiûs introspexit, non potest non odisse. Neque enim alios in suam sententiam pertrahunt, nisi qui eorum consilia, et Superiorum temporum conditionem ignorant, quibus falso persuasum cupiunt, in restauranda Ecclesia, veteris politiæ formam, non minus vulgo exosam, et à primis fidei nostræ assertoribus damnatam, et explosam, quam Papisticæ superstitionis dogmata: quamuis de regimine tunc temporis, nulla fuerit controuersia, et Præsulibus pristinis, modo fidei orthodoxæ non restitissent, nec adempta dignitas, nec imminuta fuisset iurisdictio. Quod ita liquet, vt hoc velle inficiari, sit negare Solem in ipsa meridie lucere. Quindecim post, aut sedecim fere annis, primis illis fidei assertoribus, aut fato functis, aut id ætatis, vt commode conuentibus ordinariis vacare non possent, emerserunt homines inquieti, et præcipitis ingenij, qui motis de administratione Ecclesiastica quæstionibus, obtentu abusuum muneris Episcopalis, munus ipsum tollere, in eiusque locum populare Ministrorum imperium substituere, sunt aggressi. Decem propè annos, tenuit ista dominatio, quo tractu temporis, ne quid dicam de

dissipato Ecclesiæ patrimonio, tot motuum procellis iactata est Respublica, vt parum abfuerit, quin Rex, regni, et vitæ discrimen abierint.

Testis est rebellio ad XVI. Cal. Januarij, et coniurationes assiduæ cum regijs inimicis. Nec hæc tam hominum, quam Politiæ ab illis suffectæ culpa erat, quippe, cum nec Præsides essent, qui iuberent, nec certa gubernationis norma, ad cuius præscriptum viueretur, turbulentissimus quisque, zelum mentientes, et in summa sanctimoniæ simulatione vitiosissimi, eoque nomine, vt sit, florentes fauore publico, multitudinem ad nutum, vt factiosi olim Tribuni, nunc huc, nunc illuc impellebant. Hinc factum, vt perniciosi ciues, quibus præsens rerum status displicebat, ad hos Ecclesiæ Antesignanos confluerent: In quorum aures, et animos, si per adulationem se insinuassent, omnia domesticis tumultibus impune miscebant, quæ Regem ad eam consilii inopiam adegerunt, vt cum aliter se expedire non posset, necesse habuerit, veterem politiam, quæ hodie obtinet, restituere. Hîc digitum duntaxat ad fontes intendo, breui iusto opere singula exsequuturus. Nec patrocinium interim, aduersus maleuolorum calumnias vlterius postulo, quam responsi huius fides, et labores mei, fœlicissimo Parenti tuo, et T. C. impensi hactenus, merentur. Vale, Illustrissime Princeps.

T. Celsitud. addictissimus,

Io. Fani Andreæ, Archi-Episcopus.

REFVTATIO LIBELLI

DE

REGIMINE ECCLESIÆ SCOTICANÆ.

ETSI Libelli auctor, exteris suæ factionis Popularibus, rationes solum exponere videatur immutati apud nos regiminis, quod olim in Ecclesia penes Presbyteria residebat: quia tamen dum probare satagit Præsulum gubernationem à nostratibus pro illegitima ab initio damnatam haud ita pridem astu irrepsisse, hodieque per vim, et tyrannidem defendi, non aliud reuera molitur, quam vt seditionem domi alat, Ecclesiæ vnitatem labefactet, Præsules denique conuitijs laceret: statui contraire inuidiæ, ne ille, popularia dum verba depromit, magnum aliquid videatur dicere, aut nos, si talibus, continuerimus à litibus, causam putet sui vitio, non defensorum silentio victam. Inde mihi consilium est, nudam rerum seriem, in Ecclesia nostra gestarum (interim dum à nobis plenior historia, quæ præ manibus est, adornatur), initio paulo altius repetito, quò magis omnia in aperto sint, paucis explicare. Idque vestigijs Aduersarij insistendo, quo fraudes, et eius fallaciæ plenius detegantur.

Exordiar itaque ab insigni eius mendacio. Pag. 2, ait, Ecclesiam nostram post primam reformationem, quatuor solum Ministrorum ordines agnouisse, Pastorum, videlicet, Doctorum, Presbyterorum (Laicos intelligit), et Diaconorum: Quum in ipsa renascentis Ecclesiæ infantia creati fuerint Superintendentes, quos vocant, cum amplissima potestate Ministros ordinandi, castigandi, exauctorandi, variè pro delicti qualitate.[1] Hi, in Ministrorum ordinem

[1] Ioannes Spottiswodus, Rector Calderanæ Ecclesiæ, biennio post initum ministerium, Lothianæ et Merciæ Superintendens designatus est.

ante coaptati ad hoc προστασίας munus solennibus auspicijs destinabantur, destinati eligebantur, electi functionem inibant, vt videre est in vulgaribus nostris Psalterijs. Quod dubio procul nunquam fecisset Ecclesia, nisi id genus officij pro ministerio, eosque pro Ministris habuisset. Causa institutionis hæc erat. Episcopos tum sedentes, Pontificijs erroribus addictos, intutum videbatur, ius Ecclesiasticum ex ercere, eatenus tamen honor est habitus, vt licet ab illa muneris sui parte arcerentur (ne quid, religio detrimenti caperet), indulti redditus, et sententiæ dictio in ordinum conuentu, vita durante, permissa: quotquot autem à puriore cultu non abhorrebant, eis ius vtendi, fruendi Episcopatuum fructibus, et priuilegijs omnibus: iurisdictio etiam, quam ante vsurpabant, quatenus religionis incolumitas pateretur, continuata. Vnde perspicuum cuiuis esse potest, vindices fidei, præsulum functionem necessariam, & vtilem iudicasse, tantum abest, vt calculo suo condemnarint; cum et præsules qui se Orthodoxis adiungebant tolerarint; et contumacibus et obstinatis, alios cum potestate Episcopali surrogauerint.

His Sectarius silentio præteritis, vt probet quæ de quatuor Ministrorum Ordinibus dixerat, testem citat libellum auctoritate, vt ipse vult, publica editum, anno redemptæ salutis 1560, et alium auctiorem, actis nationalium Synodorum insertum. Vbi manifeste fucum facit Lectori: vult enim vtrumque eundem videri, quum dissimillimi sint, vt ex collatione vtriusque, in præcipuis articulis, cuiuis apparebit. Quod autem ait, Libellum primum, senatusconsulto comprobatum, male ei cum Knoxio conuenit: is enim Historiæ suæ, Lib. 3, fol. 502,[1] auctor est, à senatu reiectum, et à nonnullis illius ordinis, *Deuotæ mentis somnia*, cum conuitio nuncupatum. Et sane nulla disciplinæ forma, consensum publicum illis temporibus meruit, præter eam quæ vnà cum confessione fidei, Psalterijs nostris præfigitur: vbi si aliquot paginis euoluendis operam sumpsisset aduersarius, Superintendentium nomen, electionem, et necessitatem disertim inuenisset; atque hæc de primo Sectarij nostri mendacio, eoque illustri, dixisse sufficiat.

Hinc ad gubernationem Ecclesiasticum descendens, quatuor nobis sacrorum cœtuum genera enumerat, Nationale,

[1] Knoxij Hist. Eccl. lib. 3, fol. 502.

Prouinciale, Presbyteriale, et Parochiale : quæ Ecclesiam nostram ab initio celebrasse innuere videtur, licet Presbyteriale, cui præ cæteris mirum quantum addicti sunt Puritani, Ecclesiæ nostræ prope viginti sex annos, à restituto cultu diuino, non agnouerint, nec primis viginti annis Presbyteri nomen in vulgus emanarit.[1] Synodos fuisse fatemur, sed quas Superintendentes pro arbitrio regebant : Consistoria itidem in singulis parœcijs, ex laicis Presbyteris, Diaconis, et Ecclesiarum Pastoribus, sed qui omnes Superintendentis dicto audientes erant, sine cuius mandato, nihil vllius momenti ab ijs gerebatur ; Presbyterorum vero cœtus, illis temporibus apud nos viguisse, constanter pernegamus. Adde, si Presbyteria, vt ipse, pag. 4, definit, ex Pastoribus et Commissionarijs Prouinciarum constabant, vere dixerim eiusmodi conuentus in Scotia nostra nunquam fuisse. Quamuis enim ad illam formam Presbyteria primum designarint, quia tamen periculum erat, ne tot Laicorum vocibus Pastorum suffragia obruerentur, res primum hærere, deinde improbari, demum in vsu esse, omnino desijt.

Sed nequeo satis impudentem hominis de horum conuentuum concordia iactantiam admirari : quum in frequentissimis illorum comitijs contentiones, dissidia, et ἀταξίαν regnasse, nemo non norit, vt in prouerbium res abierit. Quoties enim perturbationis mentio inciderat, toties Synodi generalis exemplum omnibus in ore. Atque hic lubet dictum hominis Hispani, hac de re acutum, et festiuum referre, qui post disiectam classem Hispanicam, anno supra millesimum quingentesimum, octogesimo octauo, familiam Nobilis apud nos auxerat. Is rogatus sententiam de Synodo Nationali, cui affuerat (neminem enim arcere, ciuile imprimis, et liberale putabant) lepidè prout captus gentis est, respondit, Synodum macello patriæ suæ, Moderatorem Synodi, Præfecto macelli haud absimilem videri : quem dum singuli de sua carnium portione interpellant, tantus exoritur clamor, vt nec quisquam audiri, nec quicquam debitè geri possit, hæc non inepte ab eo dicta, quisquis Synodis nostris olim interfuit, mecum facilè assentietur. Ita solenne erat tumultuare, clamare, pugnare de loco fratribus, vt Garganum mugire credidisses nemus, aut mare Tuscum.

[1] De ordine et numero Presbyteriorum, nihil statutum ante Synodum Edinburgenam, 6. Idus Maii, 1586.

Concordiæ, et vnanimis Presbyteriorum consensus, vnicum hoc erit vice multorum exemplum. In Fano Reguli anno 1591, aut circiter agitatum fuit de Pastore in parœciam Lucheræ mittendo (Pagus is, ad duo millia passuum a Fano abest). *Andreas Meluinus*, magni ea tempestate nominis, *Roberto Vallæ*, maior fratrum pars *Patricio Wemio*, fauebat, post longas altercationes, cum res aliter transigi non posset, ad suffragia deuentum. Hunc 21, suffragijs renunciant, Robertum, fratres septem : missi hinc inde ad Pagum procuratores, die Dominica proxima, competitorem vtrumque, vt imperatum, consecrant. Hinc nata inter gregem dissensio, his illi, illis alteri studentibus, nec controuersia prius dirempta, quam vtrique, ministerio interdictum, fratrum vnitas soluta, Presbyterium in duo diuulsum, et aliud Cupri constitutum. Mirabitur posteritas, non dubito, tam paucos numero, in partes ire, et aduersus Collegij consensum quippiam tentare ausos. Sed non deerant illis rationes, quibus factum tuerentur, potiorem partem minorem plerumque, et sententias expendendas, non numerandas esse. An verò hæc fuerit fraterna conspiratio ab omni diuisione, et dominatione abhorrens, vigilantes, et sobrij iudicent. Nec multo meliorem animorum consensum, in reliquis totius regni Presbyterijs fuisse testari possunt, qui studia partium, artes, ambitus, iurgia, in designandis moderatoribus Synodorum et Presbyteriorum, præsentes oculis viderunt. Vt colligere liceat, illorum comitia, etiam cum maximè florerent, vita, et spiritu caruisse, si concordia, vt ipse ait, anima est, et vita conuentuum.

Sed pergit, et Ecclesiæ libertati trium generum Præsules insidias struxisse commemorat : Primùm, eos qui se Orthodoxis adiungebant ; Secundo, quos ipse aulicos vocat ; Tertio, qui hodie, hoc munere in Ecclesia funguntur : quorum nullum vnquam, vllam apud nos Synodum comprobasse fidenter assererat. De horum ortu, incremento, et artibus quibus potentiam adepti confirmarint, toto reliquo tractatu agit, productis, in medium publicis Ecclesiæ instrumentis, et annorum serie diligenter annotata, quo apud imperitos fidem mereatur. Sed agè, singula expendamus.

Primum genus paucorum, inquit, Episcoporum erat, qui eierato Papismo, se ad causam reformationis adiungebant. His indultos vult redditus, ea lege, vt Pastores in suis Dio-

cœsibus alerent : tum toleratos fuisse ob Pastorum infrequentiam, et stipendiorum inopiam, alijsque de causis, quibus enumerandis supersedit : mox vt his malis obuiam iretur, creatos fuisse Superintendentes, qui Prouinciarum curam ad tempus gererent : deinde hos Superintendentes singularem aliquam potestatem non exercuisse, sed Ecclesias recte constitutas, res suas curasse : post hæc inopia sumptuum qui Superintendentibus suppeditaretur, Commissionarios, seu Visitatores pari cum Superintendentibus emissos potestate. Postremo, primos illos Episcopos partim in Collegium Iudicum allectos, partim læsæ maiestatis arcessitos, cunctos creditum sibi officium neglexisse, vt omnium opera plus detrimenti, quam emolumenti Ecclesiæ attulerit. Hæc, vltimum præcipuè eis verborum ambagibus, et inuolucris complexus est, vt non sit facile diuinare Superintendentes, an Episcopos intelligat.

Sed si Superintendentium operam Ecclesiæ inutilem fuisse contendit, manifestæ impietatis et maleuolentiæ reus est. Notissimum enim est, eos eximiam in vinea Domini perpurganda operam nauasse, innumeras ex Antichristi faucibus animas eripuisse, veritatem Euangelicam breui, aut vt verius dicam, momento per vniuersam Scotiam diffudisse, vt rem seriò reputantibus, miraculi instar videatur. Intra paucissimos enim annos ab inchoata reformatione, adeò omnes Papismi fibræ sunt euulsæ, vt vix reliquus esset qui se Romanensem profiteretur. Quod illi non censuris, et anathematum diris (vt subsequentibus temporibus factum), sunt consequuti, sed contrasentientes monendo, hortando, instruendo, εὐκαίρως, ἀκαίρως, vt Apostolus iubet, frequenti, nec perfunctoria visitatione, modestia et vitæ sanctimonia : quæ dotes, dici non potest, quantum illis fidei, auctoritatis, et amoris apud inimicos conciliarunt : illis extinctis statim hostes religionis se ostentare, et ex præcipiti Ministellorum quorundam temeritate occasionem captantes, zizania in animis Nobiliorum serere, quæ hactenus extirpare non potuerunt. Si beatos hosce Dei seruos, dona, labores, profectum in domo Domini consideres, Presbyterianorum quicquid est, ne nominari quidem meretur. Sed concedamus eum Episcopos duntaxat intellexisse, videamus sigillatim quid de illis dicat, deinde de Superintendentibus viderimus.

Episcopis his, indultos vult redditus, ea lege, vt Pastores

suarum ditionum alerent, sed cui cordato, hoc persuaserit? Supra monuimus solam Ecclesiasticam potestatem ademptam, quæ sine damno religionis iis committi non poterat. Quid, quod à ratione alienissimum est, concessos sine onere vllo Antichristianis Præsulibus prouentus, impossibiles autem, partes Papisticas deserentibus, Leges impositas. Neque enim emolumenta vnius Episcopatus omnibus Diocœsios Pastoribus, etiamsi tota exhauriantur, suffecerint. Non hinc ergo Ministris suppeditata stipendia, nec vlla huiusmodi ab orthodoxis Præsulibus exacta conditio. Res vti narrabo, se habet. Cum orthodoxi stipendia Ministris à Regina flagitarent, quod Sacerdotia omnia penes eos essent, quibus inuitis sine iniuria adimi non poterant, Regina accersiit in aulam Sacerdotum Principes; adiuncti è Primoribus Nobilitatis, qui vel ingenio persuadere, vel auctoritate cogere possent. Tandem post longam disceptationem, cum Sacerdotibus magis, infirmitatis conscientia, non recusantibus, quam rationum vi permotis, transactum, et è fructibus Ecclesiasticis tertia pars decisa est, vnde Regina Ministros orthodoxos aleret. Hæc est vera stipendiorum ratio, nec peius tum cum Episcopis orthodoxis actum, quam cum reliquis Prælatis beneficia possidentibus. Quod scribit, Episcopos illos propter Pastorum infrequentiam, Commissionarios in suis ditionibus creatos, nec priuilegio Episcopatus, sed iure procurationis, et mandati, spiritualem iurisdictionem exercuisse, à veritate longe abest. Ex iis enim quæ supra narrauimus constat, quum de Prouinciis perlustrandis orta esset consultatio, Superintendentes, et Commissionarios in eas regiones immissos, in quibus Episcopi cultui Pontificis Romani mordicus adhærebant: Ditionibus autem suis administrandis, quia Præsules orthodoxi sufficere videbantur, nomina in album visitatorum relata. Nec aliter in actis reperire est. Quod obiicit, Episcopos illos Ciuilium Iudicum munus vsurpasse, id ab Episcopi officio neutiquam alienum est. Ministros etiam plerosque nouimus id munus, non sine Ecclesiæ consensu, et magno pauperculorum fratrum commodo, obiuisse. De Maiestatis vero crimine quæ affert, non capio: nisi forte *Gordonium*, Candidæ Casæ Episcopum intelligat, quem preces pro Reginæ matris salute concipere, cum ægrè ferret aduersa factio, facilè erat perduellionis insimulare. Sed boni pietatem, in Principem laudabant, nec homini hac de causa litem mouen-

dam fuisse iudicabant. Neglexisse omnes officia, et damnum Ecclesiæ intulisse, quia gratis dicit, nec probat, verbo negasse satis erit. Rationum momenta, cum proferentur, expendemus.

Accedo ad Superintendentes,[1] quos singularem aliquam iurisdictionem exercuisse negat : addit etiam Ecclesias semel constabilitatas, sine horum ope, aut mandato, res suas curasse quorum vtrumque, falsitatis conuincere est in procliui. Nam Pastores ordinare, et confirmare, conuentus moderari, præfractos, sacris arcere, à Ministerio ad tempus, aut in perpetuum sumouere, partes sunt Iurisdictionis Ecclesiasticæ, quas Superintendentes, non adscitis Ministris, exercuisse, extra controuersiam est. Neque Ecclesiæ, quas recte constitutas vocat, illis inconsultis, quicquam vllius momenti obibant. Inter has, ni fallor, Princeps erat Edinburgena,[2] at acta testantur, complures illius gregis ad Superintendentem Lothianæ prouocasse, lites ab eo decisas, censuras examinatas, illam denique Ecclesiam eius visitationi, illius Pastores, illius imperio fuisse obnoxios.[3] Par erat reliquorum Superintendentium in suis ditionibus auctoritas.[4] In actis etiam primorum conuentuum, hac de re diligentissime cauetur. Iubentur Ministri Superintendentibus obedire, contumacibus stipendij mulcta, aut exauctorationis pœna indicitur sine vllo aut Ministri, aut Ecclesiæ priuilegio. Quod ait, Superintendentes diligentiæ in visitationibus, et suæ administrationis rationes,[5] Synodo nationali quotannis reddidisse, minime inficiabor. Sed meminisse oportet, ad hanc Synodum nulli Ministro accessum tunc permissum, nisi quem Superintendentes ipsi, rebus ibi disceptandis & dijudicandis idoneum censuissent. Atque ita rationem reddidisse, non vulgo Ministrorum, sed Superintendentibus reliquarum ditionum,

[1] Superintendentium erat, post debitum examen Ministros ordinare, Pastores in ditionibus suæ visitationi obnoxiis, ab vna Ecclesia in aliam transferre : de diuortiis cognoscere. Sic statuit Synodus Edinburgi habita 8. Calend. Ianuarij, 1562.

[2] Synodus habita Edinburgi. 7. Cal. Iul. 1563, statuit prouocationem a ministris, et suis Presbyteris ad Superintendentes.

[3] Alia Synodus eodem anno habita 8. Cal. Ian. statuit præscriptionem pœnarum Ecclesiæ a Superintendentibus fieri.

[4] Vide Synodum Edinburgi habitam 3. Cal. Iul. 1562. Et aliam ibidem indictam mense Decembri 1565.

[5] Sic Statuit Synodus Edinburg. mense Iunio 1562, et alia ibidem mense Iulio 1568.

paris potestatis, et Primoribus Pastorum, quos ipsi istiusmodi cœtibus adhibebant. Commissionarios autem æqualem habuisse cum Superintendentibus potestatem falsissimum, et ex actis Synodorum redargui facile potest. Illorum enim munus temporarium, nec vltra Synodum proximam durabat, acta etiam non prius confirmabantur, quam conuentui probassent. Superintendentium longe dispar ratio, solennia functionis initæ auspicia, potestas perpetua, nec viuentibus nisi grauioris culpæ compertis, abrogata.

Secundum genus Episcoporum aulicum vocat, quos ait titulo et parte fructuum contentos, aulicis quorum gratia nitebantur, reliquum cessisse ; Pastorculos præterea ab illis paucis nummis conductos, qui tribus, aut quatuor Parœciis inseruirent. Hæcque in colloquio Lethæ acta Anno 1571. Prid. Id. Ian. Sed anno proximo in Nationali Conuentu, ab omnibus Ecclesiasticis contra testificatum. Hic subit admirari hominis impudentiam, dicam, an ignorantiam, qui incomperta pro comperto, tanta asseueratione affirmet. Si acta colloquij, et Synodi sequentis legisset, talia tam temere effutire puduisset. Sed vt Lector rem omnem intelligat, historiam paulo altius repetam. Vindices fidei, post assertam religionem, nihil antiquius habuerunt, quam eam conseruare, et augere. Et quia certissima impendebat ruina, nisi Concionatoribus de victu, et stipendio esset prospectum, in id summo studio incubuerunt. Igitur, Anno 1568,[1] frequentissimo conuentu, ad quem præter Legatos Ciuitatum, maior pars Procerum, et Baronum conuenerat, de tota alimentorum ratione in hanc sententiam itum est : vt redditus omnes Ecclesiæ restituerentur, decimæ inprimis, à quibuscunque, præter fas et ius, post vindicatam religionem, occupatæ. Huic sententiæ, quotquot aderant, Proceres, Barones, et Legati Ciuitatum libere subscripserunt, sancte polliciti, id proximis regni Comitijs, lege lata, sancitum iri. Sed quum negotium lente procederet, et Ministri patrimonium Ecclesiæ reddi, solidamque stipendiorum rationem inire pertinacius postularent, consultum tandem visum est, vt ordinis Ecclesiastici Primores longo rerum vsu, et experientia eruditi, rem cum Consiliariis regiis communicarent, et de patrimonio Ecclesiæ, eiusque politia, quod in rem videretur, statuerent. Post satis longam disceptationem, ab vniuersis est decretum ;[2] vt

[1] Occasio Colloquii Lœthensis, Anno 1571.

[2] Acta Colloquii Lœthensis, Anno 1571.

Episcoporum sedes, morte, aut quauis alia occasione vacantes, Pastores virtute, et eruditione præstantes, per ordinariam Decanorum, et Capitulorum electionem creati, occuparent: vt Abbates, et Priores à Rege ad eiusmodi beneficia destinati, ab Episcopis, seu Superintendentibus prius examinarentur, et si negotijs Ecclesiasticis in ordinum conuentu procurandis idonei inuenirentur, ab eis collationes, vt vocant, reciperent: vt Ministri qui regiam in rebus Ecclesiasticis auctoritatem Sacramento approbassent, post legitimum ab Episcopo diocœseos examen, minoribus beneficijs pro modo census potirentur. Multaque alia in publicum commodum salubriter statuta, de educatione iuuentutis, de præbendis, et Cappellaneis conferendis, quæ omnia, Rege puero, rata haberentur, nec vltra, nisi aliter videretur. Hisce decretis ad sequentem Synodum perlatis, morosuli quidam qui Abbatum, Priorum, Archiepiscoporum, Decanorum, et Archi-diaconorum nomina concoquere non poterant, protestati sunt, se ijs articulis assentiendo, Papisticos titulos, et ordines non agnoscere. Contra ipsos articulos, omnibus vnum idemque sentientibus, nulla facta protestatio.

Moritur interim Marrius, sub id tempus Scotiæ Prorex: vir de pijs omnibus, et republica optime meritus. In ejus locum Mortonius, natura et moribus dissimilis, suffectus est. Is Sacerdotia vacua Ministris ex edicto attribuit, sed pensionibus annuis, comitatui, et clientibus, præcisis, prædijs etiam opimis, et fundis Ecclesiastici iuris in nothorum vsum abalienatis, cumque Ministri tertias beneficiorum, ex donatione Reginæ matris, vt supra meminimus, tenerent, causatus coactores, non sine graui stipendiorum iactura, continuis litibus distrahi, parœcijs omnibus Pastores præfecturum, stipendia idonea debitè annuatim soluturum, in se suscepit, modo tertiarum iure cederent. His magnificis pollicitationibus deleniti, et de regressu ad pœnitentiam, si promissis non staretur stipulati, assenserunt. Ille voti compos, calculo secum diligenter subducto, cum tertias fructuum ægrè omnibus Ecclesijs suffecturas præuideret, commodum suis rationibus ratus est, vt vni Ministello trium aut quatuor parœciarum curam committeret. Ita lucrum non exiguum sibi ex tertiarum residuo obuenturum; fremente quamuis Ecclesia, et quod pacta non seruarentur, in integrum restitui postulante, sed frustra. Hæc est verissima rei gestæ Historia,

quæ quam belle cum aduersarij nostri verbis conueniant, admonuisse quantum satis est contentus, suum Lectori iudicium relinquo.

Narratio quam consequenter subiungit de rationibus ab Ecclesia contra Episcopos initis, ab anno 1573, vsque ad annum 1596 (quo temporis interuallo, omnia quæ de secundo Episcoporum genere affert, complexus est), nihil aliud præter decreta et canones Synodorum continet, contra eos, eorumque functionem latos : quibus tamen de causis et quo euentu, quia dicere omisit, et magnam Historiæ lucem sunt allatura, et nouellæ illius Disciplinæ ineptias ostensura, operæ pretium duxi hac in parte eius defectum supplere ; vt videant omnes, rebus passim in deterius prolabentibus, quam necessarium fuerit veterem Ecclesiæ œconomiam restabiliri, nouam aboleri.

Dum Ecclesiastici apud Proregem et Senatum instant vt Ecclesijs Ministri, Ministris auctiora stipendia ex conuento assignentur : redit in patriam *Andreas Meluinus*, bonis literis excultus, et trium linguarum, quarum eo seculo ignorantia, illi famam, et tantum non admirationem apud omnes peperit, callentissimus. Is disciplinæ Geneuensis, cui diu assueuerat, institutis imbutus, non animaduerso longe aliter sub Rege, aliter sub multorum principatu esse viuendum, vt ad illius Ecclesiæ ideam, nostra quam proxime conformaretur (tanquam ea demum vera esset Ecclesiæ regendæ ratio) omnes neruos intendit. Cumque Episcopis, et Superintendentibus de statu, controuersiam faceret, et Ministris æqualitatem vindicaret, qui in eam sententiam pedibus irent, duo hominum genera inuenit ; Laicorum vnum, qui ad proprietatem, et dominium bonorum Ecclesiasticorum, quæ mala fide possidebant, acquirendum, expeditam hanc viam, & tutissimum sacrilegijs suis asylum, fore prouidebant. Alterum Ministrorum, qui ambitione præcipites, et gloriæ famelici, reiecto Seniorum iugo, ad effrænam licentiam quiduis pro libidine patrandi, totis animis aspirabant. Prorex alioqui non incallidus, quod spem de causæ exitu deponeret, haud grauate tulit Clerum inter se eiusmodi quæstionibus committi. Ita enim, in posterum, se à litibus & assiduis querimonijs Ministrorum, vacuum, futurum. Sed res præter expectationem cecidit. Nam et incœpto euentus affuit, et concilium illi in perniciem vertit, quos enim initio, verbo compescuisset, iniecta

mentione colloquij Læthensis, quo conuenerat vt in statu receptæ religionis nil immutaretur, dum Rex per ætatem rebus gerendis non sufficeret, eius conniuentia eas vires collegerant, vt nullis opibus, nullius iugenio eis tandem resisti posset. Itaque anno 1576, cum male celatum animum expromere cupiens, Archiepiscopis Fani Andreæ et Glasguæ, ne Synodorum decretis starent, interdiceret, in odium eorum, qui disciplinæ innouationi studebant, incidit, qui publicè vitia eius, auaritiam, tyrannidem, et luxum insectando adnitentibus inimicis, exitium ei maturarunt. Nouis enim turbis indies nascentibus, regni administratione se abdicare coactus est. Prorege summo Magistratu exuto, Ministri altiora iam meditantes, et spei pleni, Episcopis tum sedentibus denunciant, gregis vnius curam capessant, et ditionum curam omittant. Quorum Rex gnarus, literas per Ioannem Duncansonum, (quarum exemplum in Actorum libris extat), ad Synodum datis, de republica agi præfatus, monet à rebus innouandis abstineant, quietem, et concordiam, vt Christi seruos decet, sectentur, nec nouarum turbarum tam dubijs temporibus auctores sint. Quibus hortatibus eorum impetus adeo non elanguit, vt bilem in Aulam, eiusque præfectos euomerent, *Aubignium*, præcipue, qui postea *Dux Leuiniæ*, declaratus est. Is non ita pridem è Gallijs venerat; et propter summam nobilitatem, et virtutes non vulgares bonis omnibus charus, et in flagrantissima apud Regem gratia erat. Quod æmuli acerbe ferentes, pessimis vulgo sparsis rumoribus, eum perniciem rectæ religioni machinari, apud Ministros inuidia onerarunt; Qui è cathedris declamando, Regis ab eo fidem sollicitari, Ecclesiam occultis cuniculis subrui, Papanæ superstitionis cultum promoueri, plebi infestum reddiderunt. Rex vt ijs satisfieret sollicitus, aduocatis in consilium Ministrorum Principibus, statuit, vt ex eorum numero selecti, Leuinium in fide syncera erudirent; simul, in integritatis suæ testimonium, confessionem fidei fieri curauit, cui ipse cum familia, et subditi honesto loco nati subscripserunt.

Hæc est celebris illa Confessio, cujus Sectarius non semel meminit, quamque Cathari nostri identidem obijciunt, quo Regem, regnique Ordines periurij et perfidiæ reos peragant: Sed quam leuibus argumentis nitantur videamus. Confessionem illam *Ioannes Cragius*, Regius Concionator, scripsit

et edidit, anno 1580; Cui omnes, concepta Sacramenti formula, se doctrinam, et instituta Ecclesiæ Scoticanæ seruaturos, et contraria pro virili oppugnaturos, subscriberent. Sed in ea Confessione non alia disciplina intelligenda venit, quam tum publicè recepta, Episcoporum nimirum, et Superintendentium gubernatio: Cum eorum munus, nullis Ecclesiæ sanctionibus damnatum fuerit ante annum 1581, nec Presbyteria ante 1586, stabilitata: vt in eam Confessionem iurasse neminem Presbyteriorum regimini alliget.

Iam vt illis largiar, quod nunquam tamen euincent, disciplinam postea receptam, tum stabilitam fuisse, cum hæc confessio primùm prodijt, quotusquisque non nouit disciplinam omnem, rem esse mutationi obnoxiam, et vt ait Tertullianus, *Nouitatem pati correctionis?* Nam vt propter ordinem, morum censuram, et delinquentium emendationem, ipsa necessitas clamet, politia in Ecclesia opus esse: velle tamen omnes totius Orbis Ecclesias, ad hanc vel illam politiæ formam adstringere, hoc vero esset conscientijs laqueum, et miserrimum seruitutis iugum imponere. Hoc nec prioribus seculis factum legimus, nec posteri videbunt. Quisquis igitur in disciplinam Ecclesiæ iurat, id non aliter facere intelligendus est, quam si nihil in ea ab Ecclesia innouetur. Et vt res exemplo illustrior fiat, subditi Senatusconsultis ciues, Plebiscitis obseruantiam iureiurando spondent: per hoc tamen non stat, quin legum emendationibus, et mutationibus, quas per varias in vita occasiones fieri necesse est, teneantur. Ita in disciplina se res habet, qua tamdiu obligantur, quamdiu eam Antistites religionis, quibus fidem obstringimus, ex vsu Ecclesiæ iudicarint. De doctrina secus censendum: Regula enim fidei cum à Deo sit, vt idem loquitur Tertullianus, perpetua est, et inuariabilis, quæ nec mutationem patitur, nec innouationem.

Si his responsionibus nondum Sectariis nostris satisfactum, addo Episcopos nunc sedentes, et magnam ministrorum partem subscriptiones illas inficiari, quosdam etiam Libellum de disciplina sibi oblatum repudiasse, et quod iniquum iudicarent, nec sacramento, nec chirographis obsignasse. Sed calumniator, vt id ab omnibus, adolescentulis, senibus, Ministris imprimis factum arguat, Gymnasiorum ait Præfectis imperatum, ne quenquam prius promouerent, quam isti Confessioni subscriberent. Sed si id in Gymnasiis religiose

obseruatum, et discipulos in iuramentum adactos probâsset, aliquid certe pro caussa diceret; sed id, vt se in omnia vertat, nunquam efficiet. Quid, quod quoties ea confessio alicui obtruditur, sub formula fidei id fieri assolet, nec illi quicquam aliud sub eo nomine intelligunt. Disciplinam porro dogma fidei ad salutem necessarium, non, opinor, vocabunt.[1]

Sed inquunt, se à sacramento semel nuncupato, sine perfidiæ macula recedere non posse : quibus responsum volumus, si aliter scrupulus ille eximi non potest, in Ecclesias bonis auibus facessant, vbi illis ita viuere liberum sit, cum in vnius priuati gratiam, Ecclesiæ ritè constitutæ vnitatem dissolui, et pacem turbari, non sit ferendum. Sed vt ad historiam reuertar, à qua me communis illorum hominum calumnia paululum digredi coegit.

Etsi Rex, eiusque familia omnis, confessionem illam appositis chirographis consignassent, iusta tamen adhuc dubitandi caussa Ministris videbatur. Igitur cum Rege sedulò agunt, vt Libellus de Disciplina, quam nouam ad ideam Platonicæ reipublicæ affinxerant, auctoritate publica sanciretur, quæ si eadem fuisset cum illa, quæ confessione fidei continebatur, quid opus fuisset noua sanctione? aut qua fronte, id Rex facere recusasset, quod haud ita pridem fide data approbasset? Nam in omnibus Synodis, quæ Glasguensem exceperunt, legere est,[2] Regem cum Ministris agisse, vt ab eiusmodi incœptis desisterent, et quos ipse daret Episcopos eligerent. Nec præter-eundum, de anno aut circiter quo illa confessio primùm vulgata est, Regem per internuncium testificatum, quæ ab illis iactarentur sibi displicere, et remedium in tempore adhibiturum.

His omnibus, Sectarius, quia causæ iugulum petere videbantur, omissis, refert post publicas disputationes, priuata colloquia, consultationes cum transmarinis Theologis habitas, nemine è Ministris repugnante, secundum de Disciplina libellum, omnium sententiis comprobatum. Sed, bona ipsius venia, contradixerunt Ecclesiæ nostræ antesignani, è quibus paucos nominasse sufficiet. Dunensis Comarchus, Angusiæ Super-

[1] Decreto Synodi quo Scholastici in Gymnasiis promouendi, in confessionem fidei iurare tenentur, non aliud continetur, quam vt orthodoxæ religioni subscribant et Cœnæ Dominicæ intersint. De disciplina altum silentium, vide Synod. Edinb. 12. Cal. Iul. 1597.

[2] Synod. Glasguensis, anno 1581.

intendens, vir perinde pius, et prudens, et inter religionis Vindices facile primus, et Verbi quoad vixit nobilis Concionator, constanter se opposuit, nec passus est Democratiam illam in Angusiæ, et Merniæ Prouinciis, quibus regendis præfectus erat, pedem figere, qui etiam, vt à viris fide dignis accepimus, *Andream Meluinum*, rebus Ecclesiæ procurandis in suam ditionem venientem, magna orationis acerbitate increpuit: addito, eum quandoque Ecclesiæ Scoticanæ exitio futurum. *Ioannes Spottiswodus*, Lothianæ et Merciæ Superintendens, ad vltimum vitæ annum, qui fuit 1585, dictitasse fertur, se talia vtcunque laturum, ne si aliter faceret, suam dignitatem propugnare videretur, audaculos tamen illos (Ministros intelligi volebat) nisi in ordinem cogerentur, omnia quandoque in Ecclesia turbaturos. Crebro etiam illud commemorabat: fides nostra est veritati diuinæ consentanea, sed politia veteris Ecclesiæ, est nostra potior. Eiusdem sententiæ erant, *Ioannes Vinramus*, Fifæ Superintendens et Fani Andreæ Supprior; *Georgius Haius*, Plagæ Septentrionalis Commissionarius, vir summo ingenio, et excellenti doctrina; *Alexander Arbuthnotus*, Præfectus Gymnasij Abredonensis; *Robertus Pontanus*, Synodi Glasguensis quæ habita fuit contra Episcopos, Præses; *Dauid Lindesius*, qui postea Rossiæ Episcopus designatus est; *Andreas Poluardus*, Subdiaconus Glasguensis; *Thomas Smetonus*, vir raris dotibus et insigni prudentia; vt de aliis multis taceam, qui eius Canonis lationi intercesserunt. Licet tandem, ne frustra contraniti viderentur, in imperitæ multitudinis sententiam concesserint. Prætereo *Patricium Adamsonum* Fani Andreæ, *Iacobum Bodium*, Glasguæ, Archiepiscopos, *Dauidem Cuningamium*, Abredoniæ, *Nigellum Campbellum*, Argatheliæ, Episcopos, omnes sui ordinis decora, et honestamenta, qui rem non ante impedire destiterunt, quam contemptui, et ludibrio ab infimis habiti, Synodis abstinerent. Hinc satis liquet quam mala fide scribat Sectarius, vnanimi omnium consensu, secundum de disciplina libellum comprobatum fuisse; quum pene omnes, qui tum aliqua auctoritate, et prudentia reliquos in Ecclesia nostra anteibant, aliter ad extremum vitæ diem senserint. His abunde mihi videor communem illum consensum refutasse. Videamus quis fuerit consiliorum exitus.

Anno 1582, ingens tempestas Ecclesiam penè pessundedit,

hac quam dicam occasione. *Robertus Montgomerius*, minister Sterlinensis, vir in quo eruditionem et ciuilem prudentiam desiderasses, Archiepiscopus Glasguæ designatur, quamuis illo nemo magis strenuam in Episcopis euertendis operam nauasset. Nam Synodo Glasguensi, quum Dauid Lindesius decreto de abroganda Episcopis auctoritate abnunciaret, et rem integram in sequentem conuentum rejiceret, in pedes erectus, dixisse fertur,—Se Dauidis verba non sine grani conscientiæ vulnere accepisse, et sibi indignum omni Ecclesiastica functione videri, qui ordini corruptissimo patrocinaretur. Hunc, *Dux Leuiniæ*, instigantibus qui commodis magis quam honori Ducis consulebant, Regi commendatum ad Archiepiscopatum euexerat, pactus vt titulo et pensione annua mille librarum contentus, reliquis Episcopatus emolumentis cederet. Ministri hac vt rebantur iniuria commoti, diem ei ad Fanum Reguli dicunt, ibi Sacerdotio mulctandum, et pænis Ecclesiasticis non leuiter puniendem. Rex, qui sciret duntaxat crimini dari, quod contra acta conuentuum, Episcopi titulum suscepisset (neque enim de dilapidatis beneficij redditibus agi) *Ioanni Gramo* (qui postea in Collegium Iudicum ascriptus est) in mandatis dat, litem inhibeat, ni pareant, conuentum dirimat. Ita quæstione in præsens dilata verius quam omissa, Ministri cum diutius iram supprimere non possent, nullo ordine, nulla iuris formula obseruata, ei sacris interdicunt: qua contumelia Rex accensus, excommunicationem irritam pronunciat, et hominem in diocœsim (impedientibus quamuis non paucis Aëræ et Glasguæ) cum imperio mittit.

Sequutum est et aliud malum. Nobilitate enim in factiones diuisa, et rebellibus, vt fieri solet, obtentu Ecclesiæ consilia velantibus, è Ministris quidam inminutæ maiestatis rei, in liberas custodias deputantur. Id illis persequutionem interpretari placuit. Interea suggesta non aliud sonabant, quam vexari Ecclesiam, aulam à fide deficere, veteres ceremonias restitui: tandem, circa mensem Augusti, coniuratione Nobilitatis, Rex *Ruthueni* detentus est, Duci Leuiniæ aula interdictum, Iacobus Stuartus Araniæ Comes in carcerem coniectus, et è regijs plurimi capti, non pauci grauiter vulnerati. Coniurationem hanc Nobilitatis, Ministri Libellis editis, et coacta ad Septembrem Synodo concordes approbarunt, vetueruntque sub anathematis pœna, ne aliter quam

Ecclesiæ et publicæ libertatis assertores appellarentur, idque plebi in concionibus significari imperatum. Leuinius dum per Angliam in Gallias reuertitur, soluta aluo in letalem morbum incidit, incertum tædio itineris, brumâ suscepti, an ægritudine animi, quod Regem in illis turbis reliquisset, ac non multo post Parisijs vita excessit : constantiam in fide ante mortem testatus, et quam indignis et miseris modis, à Ministris Scoticanis habitus fuisset, palam professus.

At Ministri reliqua prosperè cessura rati, Nobiliorum opera, quorum causam enixissime iuuerant, disciplinam suam comprobatum iri sperabant : sed illi, causæ iniquitatem secum reputantes, Ministrorum desiderijs Regis gratiam præferre, satius duxerunt. Vere proximo, Rex, per occasionem libertate recuperata, coniuratorum nonnullos in partes regni septentrionales, alios in Hiberniam circumiectasque Insulas, et pleraque continentis loca relegauit. Reliquo hoc anno, res in Ecclesia satis tranquillæ fuêre.

Anno 1584, *Andreas Meluinus*, habita concione ad Fanum Reguli, multum in præsentem rerum statum inuectus, addidit Nobilium esse, et reliquorum regni Ordinum, vitia et abusus Aulæ corrigere, productis in medium superiorum temporum exemplis, et in his *Iacobi* Tertij Regis abaui : quamobrem à Concilio in ius ad causam dicendam vocatus, et quod Iudicum auctoritatem defugeret, et immodestius se gereret, in custodiam Blacknessum proficisci iussus, noctu, itinere commutato, Beruicum profugit. Non adeo multo post, arx Sterlinensis à Ruthuenianæ coniurationis socijs capta est : incertum quo consilio, cæterum quicquid fuit, fortuna discussit, *Gourius* enim comprehensus, et coniurationis conscij in Angliam fugere sunt coacti : quo etiam paulo post Pastores Edinburgeni se receperunt, conscripta discessus apologia, et fugam suam in aulæ rabiem, et tyrannidem conferentes.

Aestate proxima, Rex secum perpendens Ecclesiasticorum culpa, factiones et coniurationes proximas potissimum ortas, publico Ordinum decreto, Præsulibus potestatem in inferiores Ministros restituit, cœtus, et conuentus Ecclesiasticos edictis inhibuit, sed successu, vt in rebus perturbatis, irrito. Nobilibus enim ab exilio ad Cal. Nouembris anni 1585 reuocatis, et post humillimas preces in pristinum gratiæ locum receptis : Ministri ex fuga in Angliam superstites, secus factorum

condonatione non contenti, suam Disciplinam, inducto priori decreto, stabiliri vehementer vrgebant.[1] Quod quum à Nobilibus destituti, impetrare non possent, ad veros mores reuersi, in aulam plenis velis inuehuntur: Regem Ieroboamo comparant, et vltimum de sua stirpe futurum denunciant; quod licet grauissima paucorum culpa factum sit, qui laudarent in conuentu Ecclesiastico non deerant; qua de re, quum Rex per Procuratores quæreretur (vt conditionem illorum temporum videas) à fratribus obtinere non potuit, vt *Gibsonus* vnus ex Concionatoribus pœnas dictorum luerat, excogitatum tamen, vt ad diem dictum non adesset, et contumaciæ nomine à Ministerio suspenderetur.

Culpam hanc, alia Ministrorum Edinburgensium non minus inhumana et impia, excepit. Qui à Rege moniti, vt Reginæ matris salutem (de cuius vita consilia in Anglia agitari acceperat) Deo precibus commendarent: quod iure, Ethnicis, et Paganis negari nec potuit nec debuit, id facere pertinaciter recusarunt. Quod nisi multi, hodieque superstites factum scirent, rem fortasse incredibilem dicere viderer. Sed ita est, quum rex, illis officium recusantibus, *Patricio Adamsono* concionandi vices, et vota pro matre nuncupandi demandasset, pastorculus quidam, nomine *Ioannes Cooperus*, suggestum maioris basilicæ Edinburgenæ ante horam statutam conscendit, ibique populo coram, à Rege interrogatus, cur locum alterius occuparet, et num preces pro matre Regina concipere vellet, insigni arrogantia respondit, se nullius quam Spiritus Sancti consilio, pro concione vsurum. Sed Regis mandato extrusus, Adamsonus sacra peregit. Hoc anno, tabula Presbyteriorum (cuius Sectarius pag. 11. meminit[2]) ab *Alexandro Haio*, Scriniorum Magistro, qui situm regionum, et Ecclesias quæ commode vniri poterant, pernorat, confecta est, et in conuentu Ecclesiastico exhibita. Qua de re disserens Aduersarius, bis in eadem linea impegit: primùm enim ait anno 1581 confectam, vt Presbyterijs suis maiorem antiquitatem, annorum nimirum sex conciliet: Deinde cum vult à Rege ad conuentum missam, cum in Actis sit, Patronos, perferendæ pro conuentu legationis electos, inter

[1] Gulielmus Vatsonus Edinburgenus Pastor, quod Regem Ieroboamo comparasset, in Blacknessum arcem demandatus. Iacobus Gibsonus rusticanus Minister paulo post, suggestum Edinburgi conscendens, eadem vsus comparatione, addidit progeniem Stuartorum in Rege defecturum.

[2] Tabula Presbyteriorum Edinburgi in Conuentu exhibita anno 1586.

alia flagitasse, vt designationem illam Presbyteriorum ratam haberet, Sed id à Rege aliter obtineri non potuisse, quam vt illos Conuentus Præsules in suis ditionibus moderarentur, tandemque post longam disceptationem conuenisse, vt Episcopi Presbyterijs vbique præessent, ita tamen, vt in Fano Reguli *Robertus Willichius* Episcopi vice fungeretur, aliter *Meluino* satisfieri non potuit.

Hic, Rex primùm ad Ministrorum studia suam voluntatem accommodauit, ratus mansuetudine et lenitate prouocatos, officio imposterum non defuturos. Sed scitum est, nimia lenitate improborum audaciam crescere, et peccantium impunitate, sceleribus nouis aditum patefieri, nec inquieta ingenia cedendo, sed domando flecti. Illi enim statim Archiepiscopo Fani Andreæ, vt se Presbyteriorum iudicio subijceret, denunciant, graui indicto ni pareat : quam comminationem, quum ille pro solita constantia spreuisset, absentem, et inauditum diris sunt prosequuti : licet sequenti conuentu, in Ecclesiæ gremium receptus, et prior sententia velut vana, omnium sententijs damnata sit.

Interea apud aulicos, sui inter tot publicas curas non oblitos, de fundis Ecclesiasticis patrimonio regio (quod superiorum temporum iniuria vehementer imminutum prætexebatur) annectendis, orta est in Regia, consultatio, resque causa deserta, in summa Ecclesiasticorum perfidia, proximis Comitijs anno 1587 transacta, et decreto Ordinum, Actis interuenientibus insinuata. Nam Episcopi durissima quæque à fratribus passi, non aliud perfugium habebant, quam vt aulicorum libidini se dederent, et Ministri Præsulum exitio inhiantes, vindictæ cupidi, et in futurum improuidi, passi sunt sibi ab illis impostoribus os oblini, qui iactare non dubitarunt, se Episcopis πλαγὴν καίριαν inflixisse. Atque vtinam soli Episcopi, non etiam vniversa Ecclesia vulnus accepisset : sed opinione longius serpens lues, non caput solum, sed et totum corpus occupauit : Nec vllis hactenus remedijs cessit, nec spes est in posterum cessurum. Patrimonio omni Ecclesiæ abiudicato, via ad decimas patebat, ijsque haud ita multa post ablatis, subditi prope omnes hæreditaria transactione rei, quæ ante quodammodo erat temporaria, oppressi, nunc miserrima seruitute conflictantur. Ad Regem autem ex illa ostentata spe non adeo multum rei perueniebat : Nam statim à transactione, omnia Aulicis

qui gratia florebant donata, nitentibus pro se inuicem singulis, quo malum communius, remedium difficilius foret. Malum, quod initio perspicaciores minime latebat, sed cui medendo pares non erant. Verùm à quibusdam, quasi non satis turbassent, in proximis Synodis agitatum, vt Personatuum, Vicariatuum, et aliorum beneficiorum prouentus in commune collatos, Ministri ex æquo partirentur, et vt titulis Curionum, Vicariorum, Canonicorum, Præbendariorum, et cæteris id genus, velut Papanam superstitionem redolentibus, nec inter purioris fidei cultores tolerandis, omnes deinceps abstinerent. Quod nisi inconsultam temeritatem casus alio vertisset, omnia susque deque miscendo, ita Ecclesiam fœdassent, vt nullum eius vestigium, imo ne vestigij monumentum hodie haberemus.

Inter hæc *Patricius Adamsonus*, Fani Andreæ Archiepiscopus, nullum non contumeliarum genus, à discipulis gymnasij noui perpessus, in securitatem posteri temporis, amicos, et clientes donis et largitionibus obligando (à quibus tamen postea destitutus est) ad eas rei familiaris angustias decidit, vt opem ab inimicis implorare cogeretur: qui occasione læti, palinodiam ei per vim expressam, sed innumeris à se locis inter polatam, typis publicarunt. Ita egestate et miseriis confectus decessit[1] vir doctrina, et virtute nemine sui temporis inferior.

Reliquis etiam Episcopis è medio discedere, et domi metu, et ignominia, aut quod operam suam inutilem Ecclesiæ cernerent, latitare coactis, Presbyteriani quatuor circiter annos, omnia vni et ad arbitrium administrabant. Anno 1592, cum magna pars Nobilitatis secus de religione sentire, et cum Hispano conspirasse diceretur, et Bothuelius è custodia elapsus Tragœdias passim excitaret, Rex, vt sibi interim Ecclesiam obnoxiam haberet, Ministrorum placitis acquiescere in animum induxit. Itaque hoc anno Presbyteria, et Synodos Ordinum edicto confirmauit; hoc est illud Palladium, in quo fatum Presbyteriorum continebatur, quod Sectarius *βασιλικὸν Δωρον* appellat, et de quo nonnullos tam insulsè gloriantes vidimus, vt exosculari, et sinu gestare, et secundum Canonicas Scripturas summam ei authoritatem deferre, non vererentur.

Hoc successu, Ministrorum eo creuit insolentia, vt non

[1] [1591.]

contenti sua functione, lites, et reos omnes ad suum tribunal reuocare niterentur, consilij publici placita rescindere, Ordinum decretis, quæ ad stomachum non facerent intercedere, populum omnem contra hostem communem, in armis paratum esse iubere : Nihil denique erat, quod istos tam seueros censores effugeret. Atque tunc primum creati sunt Ecclesiæ Consules, qui in omnes occasiones Edinburgi residentes, Synodos indicerent, et Ministros pro re nata conuocarent. Hi, Regem de Papanorum Comitum (ita tum eos vocabant) causa cogniturum, partim minacibus libellis, nomine Nationalis Synodi, quam ideo promulgarant, exhibitis ; partim fidelibus omnibus, et quotquot religionem saluam esse vellent, ad diem Comitibus, Limnuchi[1] dictum, et causam disceptandam, adesse iussis, eò perpulerunt, vt tumultum veritus, iudicium differret, ac postea quod vnicum rebus pacandis remedium videbatur, exilium remitteret. Nec hic furor stetit, sed Regem, et serenissimam Angliæ Reginam, cum qua Rex arctissimam amicitiam colebat, convitiis proscindunt; è quorum numero *Dauid Blackius*, Concionator ad Fanum Reguli, Maiestatis postulatus, scripto, sua et Consulum, quos dixi, manu obsignato, ad Synodum prouocauit, cui soli ius esset, quæ pro concione dicerentur examinare, quæsitis hinc inde argumentis, contendebat. Rex pro eo ac debuit, rem indignè ferens, cœtus, et conuentus omnes lege non sancitos, publica Præconis voce inhibuit, Consulibus Ecclesiæ Edinburgo excedere imperauit : qui tergiuersando, et moras subinde nectendo, faces plebis animis irâ tumentibus subdiderunt, vt concursu ad Prætorium facto, facinus illud tandem ad XVI. Calend. Ian. (nunquam sine Catharorum infamia nominandas) designatum sit. Tum quidem bene currebamus, inquit Sectarius, quum de fœdere verba facit, anno 1596, quo hic tumultus exortus est ab iis renouato ; sed num ad metas diuinitus præscriptas, et brauium immortalis coronæ consequendum, aut ipsi cucurrerint, aut alios ad currendum suo exemplo incitarint, penes Christianos Lectores esto iudicium.

Multa in præsentia prætereo, quæ alias suis locis, commodius referrentur. Cæterùm hac nuda, et simplici narratione, qua statum Ecclesiæ strictim exposui, ab anno 1572

[1] [Linlithgow.]

ad 1596, vidimus nihil non à Catharis tentatum, vt vetere regimine subuerso, ad rerum gubernaculum turba incondita, et multorum capitum bellua, admoueretur : vidimus nefariorum conatuum condignos exitus, dissipatos Ecclesiæ census, quos multorum sæculorum pietas Deo consecrarat, seditiones, factiones, tumultus, et apertam in Principem rebellionem. Nec dubium nisi tempestiue obuiam itum esset, quin ad Regem regno exuendum, magistratus omnes tollendos, et ueram ἀναρχίαν res spectasset : eò enim dementiæ Phanatici venerant, vt insitum esse Regibus omnibus in Christum odium, eosque Deo Creatori, non Christo Redemptori imperium acceptum debere, non obscurè prædicarent[1]. Quod, quid aliud erat, quam Christum solummodo pro Rege à Christianis agnoscendum? Et sanè, ita arctè, copulatèque cohærent ciuilis, et Ecclesiastica Politia, vt hac semel euersa, illa diu subsistere non possit. Porro, Politia esse nequit, vbi non sunt Præfecti qui imperent, et leges quæ iubeant, sed pro arbitrio omnia geruntur singulis, ex conscientiæ præscripto, hoc est pro libidine viuentibus. Sed tempus est, vt à secundo illius Præsulum genere, ad tertium transeamus.

De Episcopis inde sedentibus hæc summatim affert, qua occasione creati, quibus legibus functionem inirent, quibus artibus libertatem, fratrum translato in se omni regimine, oppresserint. Sed causa institutionis vera et Principe dissimulata, nouam sibi ipsi comminiscitur, his verbis præuissis ; Neque enim ea pigebit referre. Diabolus, inquit, nobis hanc fœlicitatem inuideus, noua arte, et hac, quam dicam, occasione, tertium Episcoporum genus supposuit. Haud inuitus illi largiar, Diabolum in hoc negotio operam suam contulisse, sed vt ab horum partibus steterit. Neque enim tumultus ille ad 16. Cal. Ianuar. alterius quam Diaboli opus esse potuit. Quis enim arma in Principem sumpta, Regem cum Consiliarijs in Curia obsessum. Deo impulsore dixerit? Diabolus igitur non illorum fœlicitati inuidens (nihil enim illi acceptius, quam vt in illis turbis viuerent), sed effrœnem superbiam palmario facinore coronare, et indelebilem ignominiæ notam frontibus inurere cupiens, homines ad exitium præcipitantes, in nefandam proditionem impulit. Verum

[1] Hæc erat discipulorum collegij noui Theologia, qui tum diligentius libellum Buchanani de Iure Regni, quam Caluini Institutiones lectitabant.

Deus Reipub. et Ecclesiæ misertus, Regi per illud flagitium occasionem suggessit ordinem, vbi confusio regnabat, stabiliendi. Nec potest à quoquam illius diei facinus commemorari, quin animum simul subeat Regis summa lenitas, et eximius erga Ecclesiam amor. Memoriam enim Annalium replicantes, neminem vnquam a subditis grauiori contumelia affectum inueniemus. Non deerant ad vlciscendum vires, nec qui animum accensum penitus inflammare conarentur. Nouimus qui incendio vrbis scelus expiandum, et monumentum vindictæ ad posteros erigendum censuerint. Verùm ea erat Regis in Ecclesiam indulgentia, vt nullam infamiæ maculam penes illius Ministros hærere voluerit, nec in culpæ auctores merito supplicio animaduerteret, sed totus ad Disciplinam ordinandam conuersus, antiquam, et ab Apostolorum vsque temporibus in Ecclesia receptam gubernationem reducere statuit. Idque non minando, sed monendo, non iubendo pro imperio, sed rationibus suadendo, nec confestim, et momento, sed pedetentim et per interualla, ne res agi videretur, aut occasio scandali infirmioribus ministraretur. Hoc Sectarius, Regis pro Ecclesia labores traducendo, nouum Diaboli commentum appellat.

Nec petitio in Comitijs exhibita de iure suffragij Ecclesiasticis restituendo, vt ille nugatur, initium, et prima rei occasio fuit, sed Rex post tumultum illum ad 16. Cal. Ian.[1] animaduerso præsentem Ecclesiæ statum, emendationem tantum non flagitare, edictis per omnes regni partes promulgatis, ad varias de Politia Ecclesiastica quæstiones examinandas Ministros Perthum in Cal. Feb. conuenire iussit. Quoque paratiores accederent, quæstiones in antecessum typis diuulgandas curauit. Synodo coacta, primum omnium conuenit, licere cuiuis dubia de externo regimine proponere, modo id modestis studijs, suis locis, et temporibus fieret, et animo ædificandi non tentandi; quod eò moneo, quia erant è Catharis qui dicerent, disciplinam extra omnem iudiciorum aleam positam, eiusdem esse cum articulis fidei naturæ. In præiudicium igitur causæ, vt successus postea comprobauit, dilucide argumentis demonstratum est, Disciplinam rem non esse ἀκίνητον, sed temporum mutationibus obnoxiam; ideoque quæ corrigi, et emendari posset, et deberet. In eodem etiam Conuentu, cautum est, ne quenquam Pastores

[1] [1596.]

pro concione nominatim, aut obliquè perstringerent, neminem nisi post maturam deliberationem diris diuouerent, quo telo temere, et vulgo abutebantur: multaque alia in publicum bonum sancita. Hac Synodo, Cathari, experiendo didicerunt, quam iniquum sit cum Regibus certamen,[1] et verissimum esse illud Taciti—Rebellionem in Principes conatam irrito, imperia semper promouere. Malum tamen, quod ipsa salus si volet, sanare non poterat, subodorati rem modis omnibus impedire non cessarunt. Legatis enim Presbyteriorum in mandatis dederant, ne vllam partem Disciplinæ innouari, aut in quæstionem vocari paterentur: quos Synodus protestantibus reiectis, qui suffragia rogarentur indignos existimauit. Hac spe incisa, subsidia omnia in conuentum proximum qui Taodunum[2] in Cal. Maias indictus erat, comparant; quo die appetente iustis penè agminibus conuolarunt, vt multitudinis specie inimicos territarent, et suffragiorum numero, si res in disceptationem veniret, omnia ad nutum circumagerent. Venerant enim à plerisque Presbyterijs supra duodenos, cum ab aduersa parte bini aut, vt plurimum, terni venissent. Fraude detecta, Synodus de numero trium Legatorum cauit, quo ne maiorem cuiquam Presbyterio mittere liceret: acta etiam prioris conuentus, addita explicatione, quo scrupulosis satisfieret confirmata, simul ad tranquillitatem publicam et Regis animum, quem Ecclesiastarum intempestiua dicendi libertas non raro offendebat, placandum, viri prudentia, et ætate graues nominati, qui concionatores de statu publico, et regni administratione temerè ac liberius, quam oporteret loquutos, suspensionis, aut exauctorationis pœna coercerent: Pastores Edinburgenæ Ecclesiæ præficerent, stipendiorum solidam, et immotam rationem excogitarent, et negotia ecclesiastica in regni Comitijs procurarent.

Hac potestate freti in conuentu Ordinum anno 1597, inter cætera petitionum capita postularunt, ius suffragij Ecclesiasticis, velut tertio Ordini restitui. Aduersarius id ab ijs factum scribit, sine vlla huius Synodi auctoritate; sed ea minime necessaria fuit, quum in prioribus non paucis id ante sancitum constet. Quod quia non ignorabat, ne publicis instrumentis in re perspicua teneretur, Ecclesiam, ait,

[1] Ὡς δεινὸν σκηπτόῦχοις ἐριζέμιναι βασιλεῦσιν. [2] [Dundee.]

quum iniquo animo tulisset iniurias hominum secularium, qui vsurpatis Prælatorum titulis in publicis Comitijs suffragij iure contra Ecclesiam abutebantur, sæpius petiuisse, vt illa potestate priuarentur, quasi Ecclesia recuperandæ possessionis secura, iniustos possessores dejici petierit, ac non ex interdicto vnde vi, egerit. Sed hanc hominis vanitatem, ex Archiuis facile est refellere, quæ vtrumque eam sæpissimè flagitasse testantur. Vtvt sit in illis Comitijs statutum, vt Ministri veterum Prælatorum titulo, et beneficijs ornati, ad ius suffragij postliminio admitterentur. Iurisdictio spiritualis, Regis, et Nationalis Conuentus arbitrio permissa, qui ob id ipsum Taoduni anno proximo habitus est. Vbi cum magnis animorum contentionibus certatum esset, num ius, fas esset, Pastores suffragium in publico Ordinum conuentu ferre, et de causis ciuilibus in foro cognoscere, nec satis liqueret, ampliatum est, resque in conuentum proximum, qui Montem Rosarum[1] indictus erat, reiecta : Præmonitis omnibus, vt non nisi post longam, et seriam consultationem, ad rem diligentius examinandam accederent. Cunctis ad locum et tempus condictum, cum amanuensium turba, qui dicenda exciperent, coeuntibus, causa inter Pastores, qui iudicij acumine maxime pollebant, multum exagitata, argumentisque hinc inde deductis, et æqua indicij lance pensitatis, concordibus omnium suffragijs, pronunciatum est licere Pastoribus in Ordinum congressu sententiam de republica dicere ; nec Pastoris, et Iudicis ciuilis munus esse ἀσυστατα ; quamuis non negauerim, nonnullos, præuisa Disciplinæ, quam improbissimo labore ædificarant, ruina, huic sententiæ identidem acclamasse. Sed iure, an iniuria ipsi viderint. Non dicent, opinor, in his congressibus, quibus Rex præsedit, se minis, et terroribas inductos contra animi sententiam pronunciasse. Nemini cum libertas aut sua, modeste proponendi, aut ad ea quæ obijcerentur respondendi negata, nihil ab inuitis expressum, nihil præcipitatum, rationes vtrinque iactatæ, suffragia libera, omnia denique ritè, et ordine gesta. Quibus si Aduersarius ipse affuit, meminisse potest postquam de iure postestatis constitit, et de ea legibus arctanda et numero eorum, qui Ecclesiam in regni Comitijs referrent, ageretur, quantus fuerit animorum consensus, quanta conspiratio !

[1] [Montrose.]

Conditiones quod attinet, quas fœdè violatas clamitat, in nonnullas vtpote æquas, et iustas, facile assensum : aliæ, pro tempore, magis, quò contentiosis, omnis rixandi ansa præriperetur, quam animo imperpetuum obseruandi acceptæ: præsertim quum et illud certum esset, Synodum quæ dedisset, posse pro arbitrio remittere. Nec dubitabatur viros ad eum honorem prouectos, morum integritate, et vitæ sanctimonia, maleuolis os obstructuros, et ita se gesturos, vt boni laudare, improbi magis indignari quam queri possent. Nec de conditionibus litem mouere, quum de rebus constaret consultum videbatur.

Rem nihilominus pendentem, et diu agitatam, et prolatam, maleferiatorum temeritas, commodum ante diem impulit. Nam post fœlicem Regis in Anglia aduentum, quin Synodum Abredoniæ celebrarent, edicto inhiberi non potuêre ; quæ licet ob summam infrequentiam, Ministris non plus decem coeuntibus, nullo operæpretio factio soluta sit, dum tamen in eo obstinatè perstant, nihil à se nisi iure, et ordine in conuentu legitimo actum, in crimen Maiestatis sponte inciderunt, ac non multo post Limnuchi damnatis, aqua et igni interdictum. Nec hic vecordiæ finis. Extorres à suæ partis Popularibus, velut Martyres pro concione laudati, et Deo publicè precibus commendati. Id vero Rex nequaquam tolerandum existimans, factionis capita in aulam euocauit, ibique per aliquot dies auditos, et capite minutorum causam defendendo, sibi ipsi crimen imputantes, partim in Anglia detinuit, partim domum remissos, parœciæ suæ finibus egredi vetuit. Qui si stultitiæ debitas pœnas luissent, et reliqui hodie modestius viuerent, et nos calumniarum fugissemus molestias, Nec ad hæc tempora peruentum esset, quibus nec Ecclesia, Ministrorum turbas, nec Ministri remedia pati possunt.

Rex vbi nullum perturbationum finem videt, sed vna sopita, instar Hydræ capitum, nouas iugiter pullulare, vt molesto, et diuturno operi tandem aliquando coronidem imponeret, Episcopis imperat, Provincias suscipiant, et suæ ditionis Ministros in officio contineant. Quibus se submisse excusantibus, quod decretis Ordinum à Præsulatuum fructibus percipiendis excluderentur, et de causæ æquitate, velut re controuersi iuris, adhuc multi ambigerent, quibus, modis omnibus satisfactum, saltem ex parte cupiebant : Rex in

Comitijs regni anno 1606, decreta quæ obstabant lege lata abrogauit, et in Synodo Glasguæ habita anno 1610, in spiritualem iurisdictionem ab omnibus Ministris assensum, tribus solum è centum circiter quadraginta qui illuc conuenerant refragantibus. Hanc Synodum, et illam quæ Limnuchi anno 1606, de moderandis Presbyterijs, et Synodis statuit, Sectarius vt spurias repudiat, addito, multa in ijs adulterina, multa suppositia contineri. Sed solenne est his hominibus incusare, criminari, et quæ contra se faciunt, fastuosè rejicere. Posterioris conuentus Præses, cui fidelitate et consilio, Ecclesia hodie parem non habet, licet fato functus innocentiam tueri nequeat : at qui acta in publicas tabulas redegit, cuiusque vita omnis non minus disiuncta à vanitate, et perfidia, quam illorum cum fide, et officio coniuncta, crimen falsi, adhuc in viuis, facile diluet. Non dicam, quod tamen si dicam, nunquam infirmabunt, plæraque ab ijs Synodorum acta mutata, aucta, deleta, interlita, pleraque ad causam elumbem fulciendam supposita. Sed horum næuos tangere, est in pietatem peccare.

Sed quæro tandem quid in illis Synodis reprehendant ? quod contra leges indictæ ? at id ne objiciendi quidem causa ab inimicis dicitur, quod infrequentes ? at tanta frequentia celebratæ, quan ta paucas meminerunt. Morem, et instituta veterum Conciliorum requirunt ? omnia ordine, et decenter, nihil præposterè gestum. Instum suffragiorum numerum desiderant ? at consensu publico approbatæ, quo nullum nobis neque sanctius, nec firmius est vinculum. Conciliabula, et congressus suos, seditionum, tumultuum, factionum fomites, et incentiua rebellionum, licet in cœlum laudibus efferant, contra tamen auctoritatem Principis coactos : quod vnicum, causæ satis est ad improbandum, ipsi non diffitentur.

Sed vt hæc Sectarijs nostris condonemus, quantam illam putabimus vel mentiendi licentiam, vel maledicendi libidinem, qua in nostrum ordinem, qui hodiè ad clauum Ecclesiæ sedemus, libero grassantur ? quos contra decreta Ecclesiæ, acta Comitiorum regni, Confessionem Fidei, fidem datam cum ministerium inirenus, solenne fœdus renouatum, protestationes, cautiones, et leges à nobis approbatas, omnia in Ecclesiæ administrari aiunt. Retro fontes, vt est in Prouerbio, facta pro infectis, Synodi pro non Synodis, Comitia

pro non Comitiis, deinceps habeantur, quæ bonis hisce viris non arriserint. Horum disciplina inter fidei dogmata, voluntates inter κυριας δοξας referantur, nostra verba, et voces, in quam volent ipsi mentem, rapiantur. At pace vestra mihi dixisse liceat, acta conuentuum, comitiorum decreta, nunc nostro ordini suffragantur, quæque olim contra nos faciebant, vt est omnium rerum vicissitudo, nunc a nobis stant. Nec alios fidei articulos nouimus, quàm qui symbolo continentur, quô omnes nostræ Confessiones sunt dirigendæ : nec aliud in Ministerij solennibus spospondimus quam obedientiam, vitæ sanctimoniam, verbi prædicationem, sacramentorum administrationem, et disciplinæ curam : à quibus, Deo gratia, nondum discessimus, nisi hoc est discedere, reiectis turbulentiorum consiliis, sed ad Christianæ Ecclesiæ Politiam accommodasse. De conditionibus supra. Protestantiones, quas intelligat, non assequor ; sed fœdus illud renouatum, in quo tantoperè sibi placent, iniquum, temerarium, ab hominibus cerebrosis in reipublicæ et Regis perniciem, et Dei ludibrium excogitatum semper existimauimus, quod illis Dominus ignominia et infœlici conatuum omnium exitu compensauit.

A dominatione, et tyrannide tantum absumus, vt nescio an non nimiæ lenitatis simus accusandi, qui homines omni honore indignos aliquo in numero habemus. Verum quoniam Iesuitarum more mendacia consuunt, in mendaciis deprehensi perplexis, et inuersis dictis se tegunt, beneficia collata inter iniurias acceptas numerant, et lenitatem nostram causæ iniquitati, vt quidam inter eos non exigui nominis nuper fecit, imputant, cogemur voluntate immutata ad seueritatem descendere, vt malo docti, discant sapere : non enim magis protritum, quam verum est illud Poetæ—Παθων και τε νηπιος ἔγνω.

Nec greges deserere aut animus hactenus, aut studium fuit : sed quod aduersarios male vrit, præfecturæ nostræ limites non angustiis vnius parœciæ terminantur. Hinc illæ lachrymæ. Opellam nostram magis vtilem et necessariam experiretur Ecclesia, nisi qui inutilem criminantur, nos alio auocarent. Nec aliud Episcoporum genus sumus, quam qui ab incunabulis, Christianæ Religionis Ecclesiæ Scoticanæ præfuerunt, veterrimorum Præsulum legitimi successores. Nec potestatem vllam nobis vendicamus, quâm ab initio

Superintendentes, et eos subsequuti Præsules, si per aduersarios licuisset non vindicassent : vt absurda prorsus, et ridicula sit illa Sectarij distinctio in primum, secundum, et tertium Episcoporum genus.

Murmura, et susurros Catharorum, de quibus sub epilogum non moramur, minas flocci facimus. Pars sint maxima, an minima parùm ad summam interesse arbitror : syncerior, et incorruptior neutiquam erunt, nisi forte omnes totius Orbis Ecclesiæ ante horum natalem exorbitauerint, quod ægrè nobis persuadebunt. Accedit Regis iudicium, qui hoc hominum genus intus, et in cute notum, opere quod βασιλικὸν Δῶρον inscripsit, filium monuit, non aliter, quam Ecclesiæ vomicas, et carcinomata fugeret.

Hæc ad Aduersariorum calumnias, fortasse plus satis, quas aspernari, et contemnere, amicis ita suadentibus, consilium fuit : nisi operæpretium me facturum vidissem, si eos, qui per ætatem res scire non potuissent, aut ab alijs perperam fando accepissent, de vera rerum historia edocerem : Et inimicorum procacitatem retundi publice interesset, qui quæstui habent detrahere melioribus, et modo male dicant, nihil pensi habent, quid dicant. Quorum vtrumque nisi fallor assequuti, hic finem faciemus, casuum in vita, et sortis futuræ in hoc securi, quod licet omnia sursum deorsum vertantur, Deus Ecclesiæ non deerit, sed bonos beneficijs in hoc, et futuro seculo cumulabit.

THE

SERMON

PREACHED BY THE

MOST REVEREND FATHER IN GOD JOHN SPOTTISWOODE,
ARCHBISHOP OF ST ANDREWS,

TO THE

GENERAL ASSEMBLY HELD AT PERTH

25TH AUGUST 1618.

THE

SERMON

PREACHED BY THE

RIGHT REVEREND FATHER IN GOD THE ARCHBISHOP OF ST ANDREWS

TO THE

GENERAL ASSEMBLY HOLDEN AT PERTH,

THE 25TH OF AUGUST 1618.

1 Cor. xi. 16.

But if any man seeme to bee contentious, wee haue no such custome, neither the Churches of God.

[This Sermon, by His Grace the Archbishop of St Andrews, has been preserved by Bishop Lindsay of Brechin in his "True Narration of all the Passages of the Proceedings in the General Assembly of the Church of Scotland, holden at Perth the 25th of August 1618." Printed at London in small 4to. in 1621.]

MY Lords and Brethren, the businesse for which we meete heere is knowne to you all, namely, to take some resolution in these Articles, which we are required to admit in our Church, by that power vnto which wee bee all subiect. Of the indifferency of these Articles I thinke there is little or no question amongst vs; the conueniencie of them for our Church is doubted of by many, but not without cause. They are new and vncouth; such things as we haue not beene accustomed with; and nouations in a Church, euen in the smallest things, are dangerous, *Etiam quæ vtilitate adiuuant, nouitate perturbant.* Saint *Augustine*[1] spake it long since, and

[1] *Aug. Epist.* 118.

wee haue tryed it to bee true this yeare past. I beseech God we feele no more of it hereafter. Had it beene in our power to haue disswaded or declined them, most certainly wee would; and if any of you thinke otherwise, yee are greatly mistaken; but now being brought to a necessitie (I am sorry to speake, more sorry to thinke of the meanes[1] that wrought the same) either of yeilding or disobeying him,[2] whom for my selfe I hold it religion to offend, I must tell you that the euill of nouations, especially in matters of Rite and Ceremonie, is nothing so great as the euill of disobedience. That which is new this day, with a little vse, will become familiar and old. Yee know the prouerbe, A wonder lasts but nine nights in a towne. But how farre disobedience may goe, what euills it may produce, God knowes. As the Apostle speakes here of contention, so I say of disobedience, we haue no such custome, nor the Churches of God. We leaue that to Papists and Anabaptists, that carry no regard to authoritie. Our religion teaches vs to obey our superiours in all things that are not contrarie to the Word of God. So our Confession speakes, which is printed in the beginning of your Psalme bookes.[3] So haue wee taught the people in former times, and God forbid wee should now come in the contrarie.

Our case, as I thinke, at this time, is not farre different from that of the Corinthians at the writing of this Epistle. The question was amongst them, of the behauiour of men and women in holy assemblies. What was most decent and beseeming; men to be vncouered, women to haue their heads couered, or by the contrarie. Saint *Paul*, after that hee had shewed his owne minde in the matter, and giuen some reasons for it, as hee doth in the verses preceding, concludes now with this protestation: *If any man seeme to bee contentious, wee haue no such custome, neither the Churches of God.* As though hee would say, I haue said so much as may content calme and moderate spirits; as for contentious men, I trouble not myselfe with them; they will still be disputing, and, say what yee will, they shall still finde a reply, for they are φιλόνεικοί, louers of victorie, not of veritie; men that seeketh not the Churches weale, but their owne wills, and

[1] This was the protestation that should haue beene presented to the last Parliament.

[2] [King James.]

[3] Psal. Booke, *page* 6.

make it their credit to bee alwayes stirring. That is not my custome, saith the Apostle (he might speake it well, for hee neuer cared for himselfe, or how he was counted of, so as he might be profitable to the Church, and an instrument of sauing soules). And as it is not my custome, no more is it the custome of the Churches of God; for they fauour not contention, but follow the things which concerne peace, wherewith one may edifie and make better another.

Some of the interpreters refer these words to the question in hand, and thinke that the Apostle is here opposing the custome of the Churches, to these that contended for men couering their heads in publike meetings, but the better sort take this to bee spoken against the studie of contention, and thinke the Apostle his meaning here is onely to shew that it is not his fashion, nor the fashion of the Churches of God, to bee contentious for matters of such indifferency as those were of. This is *Caluines* interpretation amongst others, for he writing vpon this place, after he had said that contention in a Church is of all euills the most pernicious, addes by way of admonition these words; *Diligenter notemus locum istum, ne abripi nos super vacuis disputationibus sinamus:* Let vs carefully obserue this place, saith hee, that wee suffer not our salues to bee carryed away with vnnecessary disputings. Now these are vnnecessary disputings, which are made, *de rebus non magnis*, of matters of light moment, *vel de rebus non ambiguis*, that is, of matters in themselues cleare and euident. *Atque tales sunt importuni quidam disputatores, qui artis esse putant, omnia in dubium vocare.* Some there are that can finde probabilities against the clearest truth, and are still disputing about the lightest matters; such are very troublers, and dangerous heads in a Church, of whom wee should be wary.

Brethren, to contend is not a fault, if so it bee for a weightie matter; but to bee contentious in a light businesse, this is faultie, and reprooued here by the Apostle. Wee ought to contend alwayes for the faith, and that earnestly, as Saint *Iude*[1] teacheth, not yeelding to the Aduersarie in the substance of Religion one jot. There should our courage and spirituall zeale kindle itselfe; but for matters of circumstance and ceremonie, to make businesse, and as much adoe,

[1] *Iude* 3.

as if some mayne point of religion were questioned, it is to iniurie the truth of God. By this meanes men are brought to misseregard all religion, and wee that are the preachers of the Word come to bee despised.

In the meane time it is not to be denyed, but ther are ceremonies which, for the inconuenience they bring, ought to be resisted, and if wee bee pressed with such, it is our part to expone our dislike of them in modestie, and by the best, wisest, meanes we can vse, to decline these which wee esteeme to bee hurtfull; not (as our follies haue beene great in this kinde) to runne before the time, and seeke to amend matters by declinators and protestations, whereby wee haue profited nothing; onely wee haue incensed authoritie, and hastened vpon ourselues the same things which wee laboured to eschue. Well, these things cannot bee made vndone, yet they should make vs wise for afterwards. And now, Brethren, because the resolution we take at this time touching the Articles propounded will giue to the world a testimonie what manner of men wee are; whether such as rule their proceedings by iudgment, or are carried headstrong with conceits and opinions; that wee bee not misseled by ignorance (for that is the fault of many amongst vs, wee inquire not of matters, nor take paynes to vnderstand what hath beene the iudgement of the most wise and learned, but follow vpon trust the opinions we haue beene bred with, and of such as we affect); to helpe this, I say, I will, with your patience, spend some time in the question of Ceremonies, see what warrant they have, and how they should bee appointed; then from the generall descend to speake of our particulars, touching which I shall freely deliuer my owne minde, and so conclude.

First, then, concerning Ceremonies, howsoeuer some haue imagined them to bee superfluities, which might well bee spared, and that the Church of Rome hath made the very name of them hatefull, as well because of the multitude of them, wherewith she oppressed Christians, as for the ridiculous choice she made of most of them; are such things, as without which, no publike action either ciuill or ecclesiastique can be rightly performed.

To this purpose a politike writer hath said well, That as the flesh couereth the hollow deformity of the bones, and

beautifieth the bodie with naturall graces, so Ceremonies (such specially as ancient custome hath made reuerend) couer the nakednesse of publike actions, and distinguish them from priuate businesse that otherwise should not bee so well knowne. The neglect of this in any State breedes confusion, and with confusion the ruine and abolishment of the State itselfe; whereof the examples were easie to be giuen in the Romane Republike and others, if that were our subiect. But wee are speaking of Church Ceremonies, concerning which no man will deny this generall truth, that in euery publike dutie which God craues at our hands, there is, besides the matter and forme wherein the substance of the dutie consists, a certaine externall forme required to the decent administration of the same. As, for example, God hath commanded his Word to bee preached, and the holy Sacraments to be ministred; Baptisme by the element of water, and in a prescript forme of words, such as you know wee vse; and the Sacrament of his blessed Body and Bloud, in the elements of bread and wine, with certaine mysticall words added therunto. Heere is the dutie to bee done, and the substance of it; yet for the ministration of the same in a due and decent manner, there is place, time, and other circumstances more required. The substance of the dutie God hath giuen vs in the Word, from which we may not goe; but for these things that belong to the outward administration, ecclesiasticall wisedome hath to define what is conuenient, what not; *neque tamen permisit Dominus vagam, effrænamque licentiam* (sayes *Caluine*) *sed cancellos, vt ita loquar, circumdedit:* That is, God hath not giuen his Church an illimited power to establish what Ceremonies she lists, but hath enrayled her authoritie within borders which she may not passe; and these are, πάντα ἐυχημόνως, καί κατὰ τὰξιν γινέϑω, Let all things bee done honestly, and by order.[1] Honestly, that is, after a good fashion in a decent sort, and to the right ends, namely, the aduancement of God's honour, and the edification of his Church. This is ἐυχημόνως. Then they must be done κατὰ τὰξίν, by order; that is, appointed with deliberation, and by such as haue the authoritie to ordaine them; and being once appointed, and concluded by

[1] 1 *Cor.* xiv.

Constitutions, they must bee kept and performed by all that are subiect to the same.

This, as one speakes well, is that great Ecclesiasticall Canon by which all other Canons must bee squared; this is the true touchstone of trying Ceremonies, and the ballance wherein all Church Orders must be weighed. The Ceremonies of the Church must be decent and comely, without vanitie, without all meretricious brauerie, not superfluous, but seruing to edification. They must also be done to God's honour, and not be idolatrous or superstitious. Generally in the Church all things must be done in order, and no confusion be either of persons or proceedings, for order hath proceeded from the throne of the Almightie. This fabricke of the World that wee see is vpholden by it, States and kingdomes are maintayned by it, and without it nothing can flourish or prosper. And if Order should haue place in all things, sure the Church of God should not be without Order; for our God whom we serue is the God of order, and not of confusion, as the Apostle speakes.

These things will be easily condescended vpon, I meane, that religious duties cannot bee performed without externall rites; that these rites should bee qualited, as I have said, established by lawes, and after they are established, obeyed by such as are subiect: *Si enim velut in medio positæ, singulorum arbitrio relictæ fuerint, quoniam nunquam futurum est, vt omnibus idem placeat, breui futura est rerum omnium confusio.* This is *Caluines* saying in the fourth Booke of his Institutions, and tenth Chapter, which Chapter I would earnestly recommend to your reading for these matters chiefly. In such generals it may bee wee all agree, but when wee come to particulars, *Tanta moribus hominum inest diuersitas, tanta in animis varietas, tanta in iudiciis, ingeniisque pugna*—Such is the varietie of men's minds and opinions, that scarce shall they euer bee brought to agree vpon any one thing. For the Ceremonie which to one will seeme decent and comely, will to another appeare not to be so. Now inthis case what is to bee done? Some would haue vs search into the Apostolike times, examine what then was in vse to bee done, and follow that. But this cannot well be the rule, seeing the Apostles haue not deliuered in writing all that

they did; and diuers of the formes vsed by them, which by occasion wee haue recorded, are vnfit for these times, and inconuenient; such as the assembling of people in close and secret meetings, their christnings in riuers, the ministring of the Lord's Supper after meate, ἀγαπαι, or church-feasts, the abhorring of leuened bread, abstayning from bloud, and that which is strangled, the arbitrary maintenance of ministers, and other more particulars, which to bring againe in vse were to alter and change in a sort the state of Christianitie itselfe. So it being to vs vncertaine what the formes of the Apostles were in euery thing, and the dissimilitude of their times and ours being so great, they giue no sure direction that send vs to seeke the resolution of our differences in matters of this nature from them. Reade *Beza* his eight Epistle written to that Reuerend Bishop *Edmond Grindall*, then Bishop of London, and you shall finde this to bee his iudgement. His words are, *Scio duplicem esse de Ecclesiarum instauratione opinionem; sunt qui Apostolicæ illi simplicitati, nihil adijciendum putant, ac proinde quicquid Apostoli fecerunt, faciendum; quicquid autem succedens Apostolis Ecclesia, ritibus primis adiecit, semel abolendum existiment.* There are some, sayes he, who thinke that we should adde nothing vnto that first Apostolike simplicity, but doe in euery thing according as they did; and that whatsoeuer the succeeding ages added in matters of rites should be all abolished. Because his answere and discourse is somewhat long, I will remit you to the place, and giue you the heads of it only. First, therefore, he sayes, that the doctrine of the Apostles is in itselfe so exact and perfect, as we ought not to derogate, nor adde any thing vnto it; but next for the Rites and Ceremonies of the Church, wee must not thinke so, because the Apostles at the first could not set downe euery thing that was expedient for the Church, and thereupon they proceeded by little and little; and in such rites as they instituted, they had a speciall respect to the time, places, and persons, whereof many were afterwards by the Church worthily abolished. Hauing said this, hee concludes, *Itaque quicquid ab Apostolis factitatum est, quod ad ritus attinet, nec statim, nec sine aliqua exceptione sequendum existimo.* And *Caluine*, whom I often name for the authority which he deseruedly carries with all Reformed Churches, in the

tenth Chapter of his fourth Booke of Institutions, which place I formerly quoted, hath to the same purpose these words:—*In his quæ cultum Numinis spectant, solus Magister est audiendus; quia autem in externa disciplina et ceremonijs, non voluit sigillatim præscribere quid sequi debeamus, quod istud pendere a temporum conditione præuideret, neque indicaret vnam omnibus sæculis formam conuenire, confugere hic oportet, ad generales quas dedit regulas, vt ad eas exigantur, quæcunque ad ordinem et decorum præcipi necessitas Ecclesiæ postulabit:* And after a few lines—*Prout Ecclesiæ vtilitas requirit, tam vsitatas mutare et abrogare, quam nouas instituere ceremonias, Ecclesiæ licitum.* His iudgement is, that the power of adding, altering, innouating, and appointing Ceremonies, remaynes with the Church, to doe therein as shee in her wisedome shall thinke meete. And certainly there is no other way to keepe away differences for matters of Rites and Ceremonies but this, that euery man keepe the custome of the Church wherein he liues, and obserue that which is determined by the gouernours thereof. For in things indifferent wee must alwayes esteeme that to bee best, and most seemely, which seemes so in the eye of publike authoritie. Neither is it for priuate men to controll publike iudgement. As they cannot make publike Constitutions, so they may not controll nor disobey them being once made. Indeed authoritie ought to looke carefully vnto this, that it prescribe nothing but rightly: appoint no Rites nor Orders in the Church, but such as may set forward godlinesse and pietie; yet put the case, that some be otherwise established, they must be obeyed by such as are members of that Church, as long as they haue the force of a Constitution, and are not corrected by the authoritie that made them. Except this be, there can bee no order, and all must be filled with strife and contention. But thou wilt say, My conscience suffers mee not to obey, for I am perswaded that such things are not right, nor well appointed. I answere thee, in matters of this nature and qualitie the sentence of thy superiours ought to direct thee, and that is a sufficient ground to thy conscience for obeying. But may not superiours erre? May not Councels decree that which is wrong? This no man denyes, and if they decree any thing against Scripture it is not to be obeyed, for there that sentence holds good, *Melius*

obedire Deo quam hominibus. But if that which is decreed be not repugnant to the Word, and that thou hast no more but thy owne collections and motions of thy conscience, as thou callest it, how strong soeuer thy perswasions bee, it is presumption in thee to disobey the ordinance of the Church. And of this wee may bee sure, whosoeuer denyes obedience to Church ordinances *in rebus medijs*, the same will not sticke to reiect God's owne Word when it crosses his fancie: *Et videant isti* (sayes *Caluine*) *qui plus sapere volunt quam oportet, qua ratione morositatem suam Domino approbent; nobis enim satisfacere istud Pauli debet, nos contendendi morem non habere, neque Ecclesias Dei.* With such a sentence I close all that I purposed to say of Ceremonies in generall.

Now hauing shewed you that rites are necessary in a Church, the qualities they should haue, and obedience that must bee giuen vnto the Constitutions of the Church once being made, I come to the particulars desired of vs to bee receiued. These must bee seuerally considered, because they are not all of the like respect. Some of them strike vpon the duties of our calling, enioyning the practice thereof in places and at times where vsuall solemnitie cannot bee kept; as to administrate Baptisme in priuate houses in the case of necessitie, and the Communion to these that are sicke, and in dying. Others of them prescribe the obseruation of certayne things not in vse with vs, as the Confirming of children, and the keeping of some Festiuities throughout the yeere. And there is a fift Article that requires our accustomed manner of sitting at the Communion, to be changed in a more religious and reuerend gesture of kneeling. Ye shall not expect to heare all that may be said, or is at this time expedient concerning these, neither the time, nor the strength of any one man, I think, will suffice to say all without interruption. I know I speake to men of vnderstanding, and my intent is to say no more of them, then may serue to instifie the aduise which I minde with God's helpe to giue vnto you.

I begin with the Communion to the Sicke, because this Article passed in the late Assembly, with some limitations which his Majesty disliked. The mind that is offended hardly interprets any thing well; so fared it in this matter. The delay of our answere to the rest of the Articles mooued his Maiestie to call our grant of this Article scornfull and

ridiculous. I was bold in a priuate letter to shew there was a mistaking, and iustifie that which was done; neither should I speake any more of it, but that it hath beene complayned that some of our Ministerie, beeing earnestly entreated by certaine sicke persons for the comfort of that Sacrament, since that time haue denyed the same. To iustifie therefore that which then was enacted, I say shortly, that by our calling wee are directly bound to minister vnto men in the last houre all the helpes and comforts wee possibly can. The naturall terrours of death, and fearefull doubts of conscience, which at that time commonly perplexe men, require this at our hands; therefore Visitation of the sicke is earnestly commended to Ministers in their admission, that they bee readie to attend the sicke person, and as his estate craues minister comfort vnto him, by preaching the promises of grace and mercie to all penitent sinners. Why this Sacrament, that is the seale of God's promises, and a speciall meane of binding vp our communion with Christ, should bee denyed to such as desire the same in that time, there can be no reason.

Howbeit saluation depends not vpon the Sacrament, and that they vse it superstitiously that giue it for a *viaticum* to the dying, the end of a man cannot but be the more comfortable, and his death accompanyed with the greater contentment and tranquilitie of minde, when his desire is satisfied in this point. For this is to bee considered, that it is not to all that die, nor to all that are sicke, but to such onely whose recouery is desperate, and vrgently desire the comfort of this Sacrament, that the same is appointed to bee ministred. Of which purpose *Caluin* deliuers his opinion in his 52. Epistle, in these words: *De Cœnæ administratione censeo, libenter admittendum esse hunc morem, vt apud ægrotos celebretur communio, quam ita res et opportunitas feret: Nec magnopere repugnandum esse, quin maleficis detur, qui plectendi sunt, si quidem postulent, et ad receptionem satis comparatos esse appareat; hac tamen lege, vt sit vna communio, hoc est, vt panis in cœtu aliquo fidelium frangatur.* And in his 361. Epistle, answering some one that had moued him in this matter, he beginnes on this manner: *Cur cœnam ægrotis negandam esse non arbitror, multæ et graues causæ me impellunt*; as you may see in the place. *Bucer*, *Bullinger*, and

Zepperus, are of the same iudgement, and the last of these three, putting the case, that none is by this sicke man disposed to commmnicate, sayes, *Quod ne sic quidem priuandus est communione ægrotus.* You may see his reasons in the twelft Chapter of his first Booke, *De Politia Ecclesiastica.* Our owne Church hath practised the same in former times, as was qualified in diuers particulars at the last Assembly. So where the reformed Churches haue approued it, and wee ourselues by our owne practice now to stand against it, when by a speciall Canon it is appointed to bee done, cannot but bee thought obstinate disobedience.

I come to the Article of Baptisme. This craues that in the case of necessitie, when a child without hazard may not bee brought out of doores, it bee lawfull to the Minister to baptise in a priuate house. It was not long since a custome amongst vs, that no Minister would baptise except vpon the ordinarie day of teaching. This same being complayned of in the Assembly that was kept at Holy Rood-house in the yeare 1602, an Ordinance was made, that whensoeuer a parent should require baptisme to his child the Minister should not deny it, without delaying to the ordinarie day of preaching. The question was then of the time, now it is of the place; whereabout this you all know, that in the institution of Baptisme the Lord Iesus hath not tyed vs to any place, but his command binds all men to bee baptized; and wee, that are Ministers, by our calling are obliged to baptize, howsoeuer wee doe not thinke Baptisme absolutely necessary vnto saluation, and the child that wants it vpon a necessitie ineuitable nothing preiudiced that way; yet if the occasion present, there is no doubt but the Minister hath a necessitie lying vpon him to baptize, although time, place, and other circumstances required for the due and solemne administration be not concurring. But this, yee will say, fosters the Popish opinion of the necessitie of Baptisme. Let *Bucer* answer it: To withhold Baptisme for want of the due solemnities, sayes hee, opens a doore to the Deuill, to bring in the contempt of Christ's Ordinance, and our whole redemption by him. We haue a commandement to baptize, and this to vs is a necessary duety which we may not leaue vndone. As for inconueniences, we must meet them as wisely as we may, by doctrine and diligent catechizing, but in no sort neglect

the commandement that is giuen. Yee shall haue *Caluin* his iudgement also in this matter. Being asked, *Vbinam baptismus recte administrari possit?* He answers, *Fas non est administrare baptismum, nisi in cœtu fidelium, non quidem vt templum requiratur, sed vt vbivis, numerus aliquis fidelium conueniat, qui Ecclesiæ corpus efficiat.* Yee haue this in his 185. Epistle. And thus much for Baptisme.

The third Article is of Confirmation, to be giuen to children when they are come to the yeares of discretion, and that is one of the most ancient customes of the Christian Church; from the dayes of the Apostles it hath continued, and with them it began. Neither is there any thing more profiteable, for it helps children to bee seasoned with the principles of true religion, layes a good foundation for the better direction of their whole life, preserues the seede of the Church sound, makes children more diligent to learne, and pastors and parents more carefull to instruct them. The neglect of this dutie hath done much harme in the Church, and the restitution of that good custome, which *Caluin* in the fourth Booke of his Institutions earnestly wishes, could not but bring with it an exceeding great benefit. It was in substance agreed vnto in the Assembly at Abirdene, but two things his Maiestie found deficient in the Act; one that there was no mention of laying on of hands vpon the child confirmed; another was that the performance of it was not restricted to the Bishops' care. And for this last, it is cleare by all antiquitie, that the power of Confirming appertayned euer to Bishops. Not that Confirmation is a Sacrament of greater dignitie then Baptisme, as the Papists teach (these were the thoughts of ignorance), but as S. *Hierome* speakes, the Church thought fit, that seeing Baptisme is giuen by Presbyters, lest children should be ignorant of the spirituall superioritie of Bishops ouer them, they should attend the receiuing of Confirmation by their hands; so this was done for the honour of Prelacy, as he speakes. Now, if any man will enuy this honour to Bishops, it is a silly and poore enuy, for it encreases their charge and burthen; and if the conscience of their dutie make them not carefull of it, in this profane and irreligious age, the honor or credit it can bring them will neuer worke it. Touching imposition of hands, let Saint *Augustine* tell vs what it meanes. Hee in his fift

Booke, *De Baptismo contra Donatistas, cap.* 23. sayes, *Quid est manuum impositio, nisi oratio super hominem?* that is to say, What is imposition of hands, but a prayer vpon the man that hands are laid vpon? In all personall benedictions from the very beginning of the world it hath beene vsed; parents doe yet confer their blessing in this manner to their children, and when spirituall blessings are giuen, there can bee no offence to doe it with the like ceremonie. But I heare that some cannot abide to heare the word of *Confirmation;* the thing itselfe gladly they admit, but they would haue examination, or some the like word put for it; not onely the abuse, but the very name of the thing abused (so tender are the hearts of some men), must be put away. For this shortly I say, that the Scriptures neuer taught vs to place religion in wordes. Saint *Luke* made no scruple, speaking of a street in Athens, to call it the street of *Mars;* and the ship that *Paul* sayled in he names by *Castor* and *Pollux*, though both these were the idols of Pagans. If names were to be stood vpon, we should put ourselues to great businesse, and it behoueth to change the names of our moneths and dayes, which some haue pressed vnto, but wise men know this to be folly. Besides, the word of *Confirmation* was vsed in the Church long before Popery was hatched, as is manifest by Saint *Cyprian*, Saint *Augustine*, *Tertullian*, *Eusebius*, and others. And thus much of Confirmation.

The *Festiuities*, which are the next, are impugned by this argument amongst others, That hereby wee conforme our selues to Papists in the keeping of holy dayes. But had this argument beene of any force, would the reformed Churches haue agreed so vniformely in the obseruation of them? All of them, so farre as I know, keepe holy the dayes of Christ's Natiuitie, Passion, Resurrection, and Ascension, with the Descent of the Holy Ghost. The Churches of Bohemie, Vngarie, Polonia, Denmarke, Saxonie, and High Germany: The Heluetian Churches, the Belgique, and those of the Low Countreyes; The French, English, and Geneua itselfe, in the beginning of reformation obserued them all. The day of Natiuitie they yearely celebrate, if I be rightly informed; the rest are abrogated, and by what occasion, reade the 115. and 128. Epistles of *Caluin*, where, after he had shewed the occasion of their abolishment, hee addes, *Ego neque suasor*,

neque impulsor fui, atque hoc testatum volo, si mihi delata optio fuisset, quod nunc constitutum est, non fuisse pro sententia dicturum. For the opinions of the rest of our Diuines in this particular, *Bucer*, *Martyr*, *Bullinger*, *Zanchius*, *Aretius*, *Polanus*, *Paræus*, and *Tilenus*, with all that I haue seene, speake manifestly for it. *Tilenus* his words, in his *Systema*, which came forth the last yeare, are these: *Alios dies præter τὴν κυριάκην ad peculiarium quorundam Dei beneficiorum, et Christi gestorum, solennem et anniuersariam in Ecclesia commemorationem celebrari, nulla religio vetat; modo prudens cautio accedat, Ne videlicet vel vllius rei creatæ, cultui consecrentur, vel insitæ diebus illis sanctitatis opinio foueatur, vel denique ignauo otio, fœdisque voluptatibus, hac occasione, fenestra aperiatur.* I find in a Synod kept at Middleburgh, anno 1584, a Canon there made, that all holydayes should be abolished, except the Lord's Day, and the day of Christ's Natiuitie and Ascension; but if the magistrates shall require more to bee kept, then the Ministers shall labour by preaching to turne the people's idlenesse into godly exercises and businesse. These be the wordes of that Canon, which I haue cited as well to shew you what that Church ascribes to Magistrates, as because our case in this particular is verie like. His Maiestie, as you know, hath charged all his subiects by Proclamation, to abstaine from seruile labour in these times, and it should become vs well, as that Act speaks, to turn them from idleness to godly exercises. For to dispute of the lawfulnes of the prohibition, *neque huius fori*, nor will any subiect that is in his right wits presume to doe it. I doe not vrge the testimonies of the Fathers in this poynt, because of them, you, who were at the last Assembly, heard enough. And they who eleuate the consent of antiquitie in this matter, saying, That the mysterie of iniquitie was then begun to worke, will reuerence, as I trust, the iudgement of these reformed writers, who haue laboured to discouer that mysterie, and will thinke it no commendation to them to be dissenting from all the Churches that haue beene and are in the world.

Of the last Article, which requires kneeling, as the most reuerend gesture in partaking the holy Sacrament of the Communion, I haue neede to say much, seeing great stirres are made for this, and as I esteeme without any cause. The

Apostle when he professes to deliuer vnto vs that which hee receyued of the Lord, speakes not, either of sitting, or kneeling, or standing, by which it is euident that *situs vel positus corporis in cœna*, as *Zepperus* speakes, is not of the essence of the Sacrament, but to be numbered amongst these circumstances which the Church may alter, and change at their pleasure. Where it is said, that wee ought to conforme ourselues to Christ's action, yee know it is answered, That if so were, it behoued vs to lye along about the Table; to communicate with men, and not with women; and in the euening after supper receiue this Sacrament; which things were ridiculous to affirme. *Peter Martyr*, an excellent witnesse of God's truth, *In classe secunda Locorum Communium*, *Cap.* 4. speakes otherwise. *Nihil interest*, saith he, *si cœnæ Dominicæ sacramentum stantes*, *aut sedentes*, *aut genibus flexis percipiamus*, *modo institutum Domini conseruetur*, *et occasio superstitionibus præcidatur*. And in his Defence of the doctrine of the Eucharist *aduersus Gardinerum*, answering the same argument, which *Bellarmine* brings for reall presence: Although in recuyuing the Sacrament, saith he, we adore the Lord by kneeling, we doe not thereby testifie the reall and corporall presence of Christ in the Sacrament; for adoration, the mind not being applied to the elements, but to the things signified, may lawfully bee vsed. *Peter Mouline* in *defence of his Maiesties Apologie against the Frier Copheteau*, where the Frier alledges some testimonies out of S. *Ambrose*, S. *Augustine*, and S. *Chrysostome*, to proue the adoration of the consecrated Hoste, answers, That the Fathers say nothing but that which wee willingly graunt. Is there any amongst vs, saith he, who euer denyed that we ought to adore the flesh of Iesus Christ? Who euer doubted that wee ought to adore him in the Eucharist? But he that adores Iesus Christ in the Eucharist does not, for all that, adore that which the priest holds in his hand, but he adores Iesus Christ who is in heaven. These worthie men scorne (as yee see) *Bellarmines* argument; howbeit wee can take out of an enemie's mouth, and make somewhat of nothing, to bear out our owne conceits. *Th. Beza* did not approue this gesture of kneeling, yet did he neuer esteeme it idolatrie, as some of our spirits doe. In his 12. Epistle he writes thus: *Geniculatio dum symbola accipiuntur speciem quidem*

habet piæ et Christianæ venerationis, ac proinde olim potuit cum fructu vsurpari ; tamen quoniam ex hoc fonte orta est Ἀρʃολατρεὶα *illa detestabilis, adhuc in animis multorum hærens, merito sublata esse videtur ; interea tamen, cum ista non sint per se idolatrica, idem de illis, quod de præcedentibus sentimus.* And what was that? *Propterea non esse deserendum ministerium ; possunt enim, inquit, et debent multa tolerari in Ecclesia, quæ recte non præcipiuntur.* This was the iudgement of that worthie and reuerend man.

But there came out a pamphlet[1] in the yeare 1608, written by some peruerse spirit in the English Church, of this argument, which findes too good entertainement in some of you, my Brethren. Worse and more desperat blasphemies did neuer any Arriane cast out ; for this directly he saies, That in the receyuing the holy Communion, we ought not vse any right, that may signifie our inferioritie vnto Christ, neyther should we abase ourselues there, but acknowledge and thinke vs his equalls. I pray God keepe vs from this Diuinitie. Doubtlesse such conceits as these brought the Church of Pole in that generall Synode, which was kept *anno* 1578, simply to condemne sitting, as a ceremonie vnhonest, and vnlawfull for so holy an exercise : In the act concerning ceremonies to bee vsed in the administration of the Supper, they haue these words : *Libertati christianæ donamus vt stantes, vel genua flectentes pij Sacramentum corporis et sanguinis Christi sumant : Sessionis verò ad mensam Domini quia illi authores huius ritus extiterunt, qui a nobis ad Arrianismum, perfide transfugi facti sunt, hanc propriam ipsis, vt Christum et sacra eius irreuerenter tractantibus, tanquam minus honestam et religiosam, simplicioribusque admodum scandalosam ceremoniam rejicimus.* We may not thinke it was any light cause which made that Church thus peremptorie in their decree : Their troubles were great, and as I heare, yet are, by the Arrians : And beleeue mee, Brethren, such as can away with the speeches of that pamphlet are not far from that side. Wee haue learned otherwayes to honour the Sonne, as wee honour the Father, and he that honours not the Sonne so in euery place, especially in the participation

[1] [It would be difficult to discover the "pamphlet" published in 1608, to which Archbishop Spottiswoode refers, as so many were printed at that period on these controversial subjects.—E.]

of the Holy Supper, should be to vs as a Iew or Pagan. I shall insist no longer in this purpose. It is an excellent passage that of Saint *Augustine* vpon the 98. Psalme, *Nemo carnem illam manducat, nisi prius adorauerit:* That is, No man can eate that flesh, vnlesse first he haue adored. For my selfe, I thinke sitting in the beginning was not euilly instituted, and since by our Church continued, for wee may adore while we are sitting, as well as kneeling; yet the gesture which becommeth adoration best is that of bowing of the knee, and the irreligion of these times craues that we should put men more vnto it then we doe.

Thus I haue shewed you the iudgement of the best Reformed Churches touching these Articles. Thereby you haue seene that there is nothing impious or vnlawfull in them; they who shew a dislike of some of them in the last Assembly, could not say other. And surely, if it cannot bee shewed that they are repugnant to the written Word, I see not with what conscience wee can refuse them, being vrged as they are by our Souereigne Lord and King—a King who is not a stranger to Diuinitie, but hath such acquaintance with it as Rome neuer found in the confessions of all men a more potent aduersary—a King neither superstitious, nor inclinable to that way, but one that seekes to haue God rightly and truly worshipped by all his subiects. His person, were he not our souereigne, giues them sufficient authoritie, being recommended by him; for hee knowes the nature of things and the consequences of them, what is fit for a Church to haue, and what not, better than we doe all.

But I heare some answere, That were it knowne these things proceeded of himselfe, they would make the lesse question of them: but they are thought to come by the suggestion of some of the English Church, or them of ourselues at home. For the first, I will but remember you of his Maiestie's owne Declaration in the Chappell of Saint Andrewes, where with a great attestation, more than needed from a Prince to his subiects, hee declared that neither the desire he had for conforming his Churches, nor the solicitation of any person, did set him on this worke, but his zeale for God, and a certaine knowledge that hee could not answere it in that great day, if hee should neglect this dutie. His Maiestie's Letter to the last Assembly beares so much

also. Now any of vs would take it euill not to be beleeued after our solemne attestations, and I trust in all your confessions his Maiestie deserues some greater respect. As to that which is supposed of vs at home, myselfe chiefly, if I shall beleeue the rumours that are going, I will borrow that notable man[1] his speech in a case not vnlike, *Mihi hactenus propemodum fatali fuit, putidis his calumnijs quotidie onerari; ego autem vt sanctè testari possum me inscio, ac ne optante quidem hæc proposita, ita ab initio in animum induxi inuidiam potius tacendo leuare, quàm excusationes quærere minus solicitus.* This was my resolution, and I should not change it; but that I will not haue a misconceit of my doings, to leade you into an offence, I therefore, in the presence of the Almightie God, and of this honourable Assembly, solemnely protest, that without my knowledge, against my desire, and when I least expected, these Articles were sent vnto mee, not to be proponed to the Church, but to bee inserted amongst the Canons thereof, which then were in gathering: touching which point I humbly excused myselfe, that I could not insert among the Canons that which was not first aduised with the Church, and desired they might bee referred to another consideration. Neither did I heare after that time of them any thing, while[2] that Protestation was formed to bee presented to the States of Parliament; at what time, his Maiestie taking the advantage of their misbehauiour who penned the Protestation, and proudly stood to the same, resolued to haue these Articles admitted in our Church, wherin all my care was to saue the Church her authoritie, and labour that they might be referred to an Assembly, which was obtayned vpon promise that his Maiesty should receiue satisfaction, and the promise was not made by mee alone, but ratified by yourselues, as you remember, at Saint Andrewes. In the Assembly that followed, howsoeuer my aduice took no place, I ioyned after the dissoluing therof with my Lords the Bishops, to excuse the delay that was made at the time; but our letter being euill accepted, and another returning full of anger and indignation, which diuerse of yourselues haue seene, I trauelled at the ministers their earnest solicitation, by all the wayes I could, to

[1] *Caluine.* [2] [Until.]

diuert the troubles which before this time most certainly yee would haue felt. And all that hath proceeded since ye know. So, as I spake before, I would, if it had beene in my power, most willingly haue declined the receiuing of these Articles. Not that I did esteeme them either vnlawfull or inconuenient, for I am so farre perswaded of the contrary as I can bee of any thing; but I foresaw the contradiction which would bee made, and the businesse we should fall into. Therefore, let no man deceiue himselfe; these things proceede from his Maiestie, and are his owne motions, not any others.

I heare others say, they could agree with the Articles, but that they take them to be introductions of the rest of the English ceremonies, wherewith they cannot away. To this I answer, That the ready way to haue the rest imposed is to offend his Maiestie by our resisting; and the way to be freed of them is to approue ourselues in the obedience of these. Thereby both yee and wee shall finde a more gracious hearing in any thing that concerneth the Church. Call to mind the courses of former times, and tell me if our oppositions did euer gayne vs any thing? If experience will not make us wise, what can?

But this, others say, is hard to bee done, because our preaching and practice haue both beene to the contrarie, and a yeelding now cannot but stayne our credits. I will not reply, that it is no credit to be constant in euill, nor any discredit, to change for the better, for this would sound harshly in the eares of many: onely I shall wish those who stand so much for their credit, to lay before themselues Saint *Paul's* example, who became all to all that hee might saue some. He had preached against circumcision; against the keeping of the Iewish Sabbaths, their new moones, and other rites: he had called them yokes, burthens, impotent, and beggarly rudiments; and reproued Saint *Peter* for making the Gentiles conforme to the Iewes in these things; yet after all this he circumcised *Timothy*, and practised himselfe diuers of their ceremonies. The reason was, that he saw no other way to redeeme the libertie of his ministrie, further the gospel, and increase the churches. In this hee placed his credit, and so hee did speed in that; hee stood not much what men reported of him. If the zeale of God leade vs, and the loue of his Church, wee will not looke so

much to ourselues, and to our owne reputation, as to the furthering of the worke of the gospell.

It will be replyed, I know, that not for themselues, but for the offence of the people, they feare to admit these things. For having preached against holydayes, and the rest, and having defended the constitutions of the Church, which now must be altered, there cannot but great offence ensue. I can make no other answer to this than say, that I trust none of our preachers haue stood against the keeping of dayes simply; but against the superstitious keeping of them as Papists doe, and against the lasciuiousnesse of people prophaning those dayes by vnlawfull exercises: Nor haue wee taught at any time *sitting* to be of the essence of the Sacrament, and a rite that may not be changed; for in that case it is necessary for the truth's sake to informe them otherwise, and make it seene that we loue truth more then our owne reputation. If our iudgements haue beene misseled, and that we haue misseled others, it is good that wee, being resolued of the truth, helpe to resolue others also. But I doe not suppose any such ignorance in my brethren. I know people thinke many times wee contradict ourselues, when there is nothing lesse; for they distinguish not well of things, and haue many mistakings. Alwayes, this is sure, the framing of people's conceits lyes much in our hands. The dayes required to bee obserued haue beene kept this last yeare in the chiefe burghes by his Maiestie's command; what offence thereof did we find amongst the people? The communion hath beene giuen and receiued in that reuerend forme; who was scandalized? Some few, perhaps, that would seeme singular for holinesse by the rest; and others, because they saw their ministers forbeare; but generally such as communicated, who were not a few number, professed that in their time they neuer found more comfort and better motions, which their teares and deuout behauiour testified to all the beholders.

But this, they say, takes not away the offence: for Papists will boast that wee are drawing backe towards them, and the godly cannot but be grieued that haue a dislike of their ceremonies. For Papists, first, we are not to regard them. It is their manner to make aduantage of euery thing: say or doe what we will, they will still speake euill of the truth.

Are the Churches of England, Germany, and Bohemie, in better termes with Papists than wee? Yee know not how things goe in the world if yee thinke so. Papists are not the fooles we take them, to be pleased with shadowes. They haue other more substantiall notes by which they discerne their friends than by ceremonies. As for the godly amongst vs, wee are sorry they should be grieued, but it is their owne fault: for if the things be in themselues lawfull, what is it that should offend them? They say, these alterations can worke no good. I answer, the alteration is necessary, if it bee necessary for our Church to enioy his Maiestie's fauour; and if it be necessary, it must also be profitable. *Nam causa necessitatis, et vtilitatis æquiparantur in iure.* But if they thinke that we should regard their offence, and offence of other good Christians, let them know that the offence of our gracious soueraigne is more to vs than theirs and a thousand more.

Yet were it not better that his Maiestie should by his authoritie enioyne them, rather than the Church giue any consent; and when the time shall grow better we may then returne to our old custome? For these are the motions of some. What they call better times, I know not, but our fathers saw neuer so good times, nor is it to be hoped that our posteritie shall see the like. Continuance detracts from the worth of things, at least in our conceits: we haue enioyed peace and libertie so long, that we little know how precious they are. But had wee beene in the coates of our fathers, or could wee remember the straits our first Reformers stood in, and were brought vnto in the same citie,[1] when that good Earle *Alexander*[2] came to their reliefe, wee would thinke it no small blessing to haue our profession countenanced by authoritie. As to that which they desire, that his Maiestie should enioyn these things by authoritie, I leaue it to you to iudge how dangerous the same may proue to the Church. If conformity be enioyned, be sure it will not be in these matters only, but in others that yee hate more. But I feare

[1] [Perth.]

[2] [This is an allusion to Alexander fifth Earl of Glencairn, who, when the Reformers, or "Congregation," took arms at Perth in 1559, and were in danger from the forces of the Queen Regent, raised 1200 horse and 1300 foot in the western districts; and finding all the passes occupied, he conducted them through the mountains, marching night and day to Perth.]

it be the purpose of many to rubbe this waye vpon his Maiesty the imputation of tyrannie; for what Christian king did euer determine in ecclesiasticall matters any thing without aduice of his clergie? And to impose lawes vpon the Church without their consent, were as much as to say, the King imposes things vnlawfull; for if they be lawfull, why will wee be dissenting? Brethren, his Maiestie is styled, *Defender of the Faith*, and hath it by desert, as well as by inheritance. It were a peruerse course for vs to make it seeme otherwayes. When Iesuites and Papists of all sorts are by their infamous writings belying his Maiestie, and traducing his Highnesse fame, onely because he opposes them, for the defence of the common faith, if wee should furnish them matter of new obloquie by our rebellion we could neuer be excused of vile ingratitude. Rests but one obiection that I haue heard, which I will not omit. They say, the English Church hath beene seeking of old times to haue vs wonder their gouernment; and vpon this some haue called our yeelding vnto a conformitie in these points with them, a betraying of the libertie of our Church and kingdome. This reason is so euill grounded, that though we should conforme with them in euery outward rite obserued not onely by them, but by the whole Church of Christ, long before it was so infected with Poperie, it would not inferre the dependance of our Church vpon theirs, but that there is that harmony and conformitie amongst vs, which ought to bee amongst all the Reformed Churches both in doctrine and discipline. And for our part in maintayning our right, yee may remember not long since, when that Nobleman was absolued in England who was excommunicate by us,[1] wee ceassed not to complaine vntill a new command was giuen, that hee should receiue from vs a new absolution. If matters should come thus to be contested for, which is not to be expected, wee should not bee found neglectful either of our Church or country. But what is this we are iealous of? We liue vnder a King that loues the kingdome's honour more than we all; there offers not one occasion, wherein his

[1] [George, sixth Earl and first Marquis of Huntly, was "excommunicated" by a General Assembly in 1606 for not appearing to answer a charge of countenancing the Roman Catholics. He was absolved by Archbishop Abbot of Canterbury in 1616, which excited considerable displeasure in Scotland, as an unwarrantable interference.]

Maiestie failes to expresse his naturall affection towards his country. Euen now that *Mischant*,[1] sometimes one of your number, and vnworthy to be named, did vomit forth his spite and vnnatural malice against the whole nation. And how did his Maiestie resent it? As I haue been aduertised, he did solemnely declare, That albeit much had beene said against his Maiestie's owne person, and nothing omitted in that kinde, which the Deuill could inuent, yet all that did not so much grieue him, as that *Mischant's* taxing of his country and nation. He is not worthy the name, I will not say of a Christian, but of a Scottish man, that will not, if need be, lay downe his life to meet his Maiestie's affection. I know yee are ready enough to make your protestations this way, but, beleeue me, he shall neuer hazard willingly his life for his Prince who stands against his pleasure in so iust demands.

I will say no more, for I haue wearied both you and myselfe, out of a desire to giue satisfaction to you all. How freely and plainly I haue spoken, ye are my witnesses; with what an affection towards the Churche's good, God hee knows. Brethren, we haue made too much busines about these matters. The kingdome of God consists not in them, but in righteousness, and peace, and ioy of the Holy Ghost. Away with fruitlesse and contentious disputings. Remember the worke wee are sent for is to build the Church of God, and not to destroy it; to call men to faith and repentance; to stirre them vp to the works of true pietie and loue, and not to make them thinke they haue religion enough, when they have talked against Bishops and Ceremonies. If wee shall goe about this carefully, and all of vs striue in our places, by fruitfull preaching, honest liuing, and a wise gouerning, to approue ourselues vnto the consciences of our people, we shall shortly finde matters in a better estate then wee haue seene, and be all of vs an acceptable people to the Lord our God, which that it may bee God for his Christ's sake grant to vs all. *Amen.*

[1] [This must evidently refer to the Presbyterian historian, David Calderwood. He encountered a long examination from King James in St Andrews, when he visited Scotland in 1617. He was eventually obliged to retire to Holland from 1619 till after the death of King James, though he mentions that he was in Scotland in 1624.]

This General Assembly was the last permitted in Scotland, till the memorable one at Glasgow in 1638, which began the Covenanting War, pretended to "excommunicate" and "depose" the Bishops, and set up the National and Solemn League and Covenant. In this General Assembly at Perth, after delivering his sermon, Archbishop Spottiswoode took the chair as Moderator, after a feeble attempt to go through the form of an election by a Mr George Grier, the Presbyterian minister of Haddington, the Archbishop contending that, as the Assembly was convened within the limits of his Diocese, he would allow no one to occupy his place. After the presentation of the King's letter by Dr Young, Dean of Winchester (see p. 99 of the present volume), Archbishop Spottiswoode rose, and again stated that the Five Articles about to be submitted for ratification were not his suggestions, as he considered them inexpedient at that particular time; yet he knew, he said, the anxiety of the King on this subject, and warned the members of the consequences, both to the Church generally, and to themselves individually, if the Articles were rejected. "I know," he observed, "that when some of you are banished, and others deprived, you will blame us, and call us persecutors; but we will lay all the burden upon the King, and if you call him a persecutor, all the world will stand up against you." Archbishop Spottiswoode then asked the Dean of Winchester if he wished to make known his sentiments? Dr Young addressed the Assembly in a short speech, earnestly exhorting the members to conformity. When the Dean of Winchester concluded, some objections about the mode of voting, and other minor details, were repelled by Archbishop Spottiswoode. The Primate then nominated a large number of the Nobility and gentry, all the Bishops, and thirty-seven doctors and ministers, as a "Privy Conference," who met in the afternoon to discuss the Five Articles. On the following day the Assembly convened at eight in the morning, and the Articles were again debated. On the morning of the third day, which was the last sitting, a sermon was preached in St John's church by Bishop Cowper of Galloway on Rom. xiv. 19. Archbishop Spottiswoode now urged the Assembly to conform. He refuted sundry scandals and misrepresentations circulated by malicious persons, and declared his conviction that "there was neither man nor woman, rich nor poor, in Scotland, some few precise persons excepted, who were not only content, but also wished the order of kneeling [at the Communion] to be received, of which he had good proof and experience in his own city of St Andrews, and in this town of Perth since he had come hither." Before the calling of the roll the King's letter was again read. The Presbyterian party attempted to limit the right of voting, that certain persons might be purposely excluded; but Archbishop Spottiswoode would not listen to this insidious proposal, and declared that "if all Scotland were then present they should vote." The vote was then taken, and the Five Articles were carried by a great majority. After some routine business, the Assembly was dissolved. On the 21st of October, the Articles were sanctioned by an Act of the Privy Council, and the King's proclamation, ratifying and authorizing them, was published at the Cross of Edinburgh on the 26th. It is to be regretted that the Records of the proceedings of the Perth General Assembly in 1618 are now irrecoverably lost. They were burnt in the great fire which destroyed both Houses of Parliament on the 16th of October 1834.

THE LIFE

OF THE

RIGHT REVEREND FATHER IN GOD

JAMES SPOTTISWOODE, D.D. LORD BISHOP OF CLOGHER.

FROM THE MANUSCRIPT OF FATHER AUGUSTIN HAY, &c.



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The late Sir Alexander Boswell published, in 1811, from a MS. in the Auchinleck Library, the Memoirs of James Spottiswoode, Lord Bishop of Clogher.[1] This Work, whether from the limited number of copies printed, or from the somewhat forbidding appearance of the text, which was disfigured by innumerable contractions, attracted but little attention at the time, although a very interesting and curious production, replete with valuable information, political, historical, and ecclesiastical.

The present Edition is taken from the Manuscript Collections of Father Hay, the great-grandson of the Bishop of Clogher, and besides presenting a better text, contains the Conclusion, which in the publication by Sir Alexander Boswell is wanting. As the work in question gives a minute account of his Lordship's progress through life, it would be out of place to repeat what the reader will find better expressed in the words of the biographer.

Sir Alexander's conjecture, that the biography is from the pen of the Bishop himself, is questionable. It was more probably compiled from his Lordship's papers, but assuredly if it had been truly an autobiography, his descendant would not have omitted a fact of such importance. Perhaps Sir Henry Spottiswoode, the son of the Bishop, may, with more probability, be assumed to be the author, as he was a person of literary habits; and a selection from his poems, hitherto unpublished, will be found in a subsequent portion of this volume.[2] The concluding portion is unquestionably by Father Hay.

[1] Edinburgh, A. Constable and Co. Small 4to.

[2] These Poems are preserved by Father Hay in his MS. Collections.

In the prefatory notice to the edition by Sir Alexander Boswell of the Life, reference is made to Harris' edition of Sir James Ware, as assigning the authorship of a "treatise called St Patrick's Purgatory" to his Lordship of Clogher. This assertion rests exclusively on the authority of Harris, who has adjected the following addition to the text—"He was the author of a treatise called St Patrick's Purgatory. In a regal visitation held about the year 1622, this See (Clogher) was returned by Bishop Spottiswood at L.700 a-year."[1] Of this treatise the Editor has not been able to learn any thing, but if really written by him, it was not the only product of his pen, as in 1616 were published two tracts professedly written by him, and which have escaped the researches of Ware, Harris, and Boswell. The first was the discourse at St Andrews upon obtaining his degree, and which was printed at Edinburgh by Andrew Hart in small 4to.[2] It consists of forty-two pages and a leaf of errata, and is dedicated to James Law, Archbishop of Glasgow. It is entitled—"Concio Jacobi Spottiswodii, Rectoris de Welles, juxta Mare, in comitatu Norfolciensi in Australi Britannia: Quam habuit ad Clerum Andreapoli in Aquilonari Britannia, pro gradu Doctoratus, die 25 Mensis Julii, Anno Salutis 1616."

The following extract from this rare work may not be uninteresting, more especially as it fortifies an assertion of Archbishop Spottiswoode which has been controverted by Calderwood, that his Grace's father, the Superintendant of Lothian, had foreseen and deprecated the dissensions of the Scottish Church:—"Quid autem ordo nisi recta æqualium et inæqualium dispositio: Qui ergo omnimodum æqualitatem (vt sic loquar) inter Ecclesiasticos vrgent, et omnia paria clamitant, quicquid præ se ferunt ordinem quem Devs ordinis recte disposuit, et Ecclesia omnibus sæculis retinuit, hunc invertere et evertere illis in animo est. In veteri Testamento satis liquet Ecclesiasticos æqualis ordinis non fuisse: Erant superiores et inferiores inter Sacerdotes et Levitas: In novo distingui ostendunt 12 Apostoli et 70 discipuli: Ex Ecclesiastica Historia satis patet Ecclesiam toto orbe Christiano sic administratam, vsque quo quidam hoc seculo, specie contemnendi honoris, perturbarunt totum Ecclesiæ veteris ordinem: Sed sicut in proditoris Judæ cura pro pauperibus regnavit avaritia, et in profusione mulieris quæ profudit vnguentem nardum, erat tamen frugalitas. Sic sub tritis vestibus potest latere superbia; et in throno regis et sub mytra Episcopi potest inveniri vera humilitas. Prædixerat mansuetus ille *Melancton* statum Ecclesiæ qualis futurus esset, dissoluta semel antiqua politia Ecclesiastica: et ipse memor sum me tale quiddam audivisse ab ore reverendi Patris mei, patris certe Ecclesiæ *Scoticanæ*. 'Video, video,' inquit Melancton, 'multo intollerabiliorem tyrannidem sequuturam, quam vnquam antea fuerat,' vidimus hoc nostro tempore completam. Sed Gratia Deo, et sua laus Jacobo Magno Defensori Antiquæ fidei, nos tandem reversi sumus vnde decessimus, καὶ νυν μενωμεν υπερ εσμεν si sapimus."

In the Biography it appears that besides the "Concio ad Clerum" above noticed, there was also a "Concio ad Populum" by the Bishop, but whether the latter was published has not been ascertained.

1 Sir James Ware's Works, by Walter Harris, Esq. vol. i. p. 188.

2 For the use of a copy of this exceedingly scarce tract, the editor is indebted to David Laing, Esq. Librarian to the Writers to Her Majesty's Signet.

The other work bears the following quaint title—"The Execution of Nescnecu,[1] and the confyning of his Kinsman Tarbetu: Or a short discovrse shewing the difference betwixt damned Usuric, and that which is lawfull. Wherevnto there is svbioyned an Epistle of that reverend and judicious Divine Mr John Calvin, touching that same argument: faithfully translated ont of Latine. Edinburgh, printed by Andro Hart for Christopher Pounder, Stationer in Norwich, and are to be sold at his shop at the signe of the Angell, in the year of our Lord 1616," small 4to. There is prefixed a Preface in Latin to propitiate the Monarch of the three realms, and this is followed by an Address to the Christian Reader.

The object of this tractate is to demonstrate the necessity of allowing a return for the loan of money, but at the same time confining the amount of said return within reasonable bounds. It is written with energy, and affords ample evidence of the learning of the author. The following may be taken as a sample of the Bishop's style and mode of arguing: —"To forbidde all usury (as in the dayes of King Edward the Sixth) it were to cutte of all traffique, and the onelie waye to make damned and byting usurie abound: There may bee, *pactum ex mutuo lucrum*, and the borrower rather benefitted than hurt, when on the other side hee may bee bitten and stung by other couenantes, which no lawe can defende: for there is no usurie so byting as cloaked usurie, cloaked vnder buying, selling, letting, hyring, &c. Poore men wanting money, when they cannot borrowe it vpon honest conditions, are forced to sell for halfe value. Againe, constrained to take an horse or a cowe, or some other commoditie at an onreasonable price, which they cannot sell againe without losse: or to take a lease or hyre a house of him of whom they bee borrowers, giuing sometimes thrice mor than it is worth, and so foorth of the rest. Vnto sad harde straites are men driuen, when they cannot borrowe for a reasonable vse: then vnconscionable masters and marchandes take them at a vantage, and stinges them with a witness."

The Bishop apparently had his hands too full in Ireland to attend much to other matters, and unless the production, styled by Harris, "St Patrick's Purgatory," was written by him, his Hibernian sojourn brought forth no literary fruits. He did not long survive his return to England, as he died in 1644, and was buried in Westminster Abbey, where his brother the Archbishop is also interred.

The Archbishop and his brother of Clogher were sons of John Spottiswoode, Parson of Calder, and subsequently Superintendant of Lothian, an ecclesiastic of great worth and ability. He is asserted by Douglas[2] to have been the second son of William Spottiswoode of that Ilk, who was killed at the battle of Flodden, and upon the failure of the issue-male of John Spottiswoode of that Ilk, the Archbishop of St Andrews, the eldest son of the Superintendant, is represented as chief of the Family, and succeeding as heir-male to the estate of Spottiswoode. The same authority informs us—"that in the year 1620" his Grace "sold the *Barony* of Spotswood to three brothers of the name of Bell, with whom it remained till it was purchased by the heir of the Family

[1] "Nessech, that is, byting Vsurie, deryued from Naschach, which signifieth to byte," p. 37.

[2] Baronage, p. 447.

anno 1700," and the "Writs of the Family" are appealed to as the warrant for the assertions they made.

That Spottiswoode was a Barony at the period of its alienation by its ancient possessors is contradicted by the retour of the service of John Spottiswoode,[1] wherein it is described as a five pound land of old extent lying in the Lordship of Thirlestane, Regality and Bailliary of Lauderdale. After its purchase by John Spottiswoode in 1700—the only portion of the statement by Douglas consistent with truth, excepting that persons of the name of Bell at one period held the lands of Spottiswoode—it may have been erected into a Barony, but assuredly such was not the case at any antecedent period.

In the next place, the notion that the Archbishop of St Andrews, an opulent and powerful Nobleman, would alienate the ancient inheritance of his forefathers, and thereby disconnect himself with the territorial possession of Spottiswoode, is hardly credible, even though supported, as the veracious Douglas asserts, by the "Writs of the Family." What the writings may have been to which the Gencalogist refers we have no means of assertaining, but thus much is proved by evidence that admits of no contradiction—1st, That John Spottiswoode was alive in 1624, as upon the 26th of January of that year he was served heir in general of Ninian Spottiswoode of that Ilk, his father. In this service he is simply called John Spottiswood,—why—the reader will immediately see ; for 2dly, he had either sold his estate, or it had been taken from him by apprising, prior to the 13th day of May 1619, as at that date he was as a "Johannes Spottiswode *olim* de eodem" served heir in general to his sister Elizabeth.

Accordingly, if John was alive in 1624, the Archbishop could not have succeeded to the estate as his heir-male and have sold it in 1620. Again, if John parted with his lands prior to the 13th day of May 1619, it is pretty plain that, unless as a purchaser or an adjudger, his Grace could have had no concern with them at all. This leads to another question—Was the Archbishop the grandson of a Laird of Spottiswoode? That he and his brother James were sons of the Superintendant of Lothian[2] is undoubted, but that the Superintendant was a younger son of the Border Laird is any thing but certain.

In the Life of the Superintendant compiled by Wodrow the descent is assumed, but his authority is derived from the Memoir of Sir Robert Spottiswoode prefixed to his Practicks, and written by his descendant John Spottiswoode, the purchaser of the estate of Spottiswoode. In the Appendix to Wodrow's compilation is[3] an account of the Spottiswoodes, printed

[1] April 19, 1605. Retours, vol. i.

[2] The Superintendant was, as is well known, for many years Parson of Calder, but in Row's Church History, presented by Beriah Botfield, Esq. to the Members of the Maitland Club, the Superintendant is called in the Index "Parson of Glasgow," although the text warrants nothing of the kind, Part I. p. 182, 217. Again, in the same Index, the Archbishop is also styled Parson of Glasgow, p. 457. It is much to be regretted that two such curious works as Row's Church History and Wodrow's Analecta, both printed by Members of the Maitland Club, should have had such miserable Indices tagged to them.

[3] Part II, p. 442-3. The following is the introductory portion of the genealogy :—

I. Atavus, (James) Spottiswoode of that ilk, married the Laird of Johnstoun's lawful daughter, whose eldest son was—

II. Abavus, Henry (William) Spottiswoode of that ilk, who married (Elizabeth) Pringle, lawful daughter to the Laird of Hoppringle or Torsonce. He died in the battle of Flooden. The second son of that marriage—

III. Mr John Spottiswoode, &c.

from a MS. dated in 1722, the value of which, as regards the more ancient portion, may be tested by this fact, that by it the Archbishop is married to his own mother! In this Genealogy the Laird of Spottiswoode killed at Flodden is called Henry, but the editor of the Wodrow Lives, probably on the authority of Douglas, has inserted "William" within brackets, with a view to correct the assumed blunder. Surely the assertion in 1722, as to the Christian name of a person, is entitled to as much weight as a statement made even by Sir Robert Douglas fully fifty years afterwards.

But the existence of this William is problematical. We have shewn[1] that James Spottiswoode of that Ilk had in November 1493 an existing heir not called William, but James Spottiswoode the younger—and a son of the name of Adam. It certainly might happen that the younger James predeceased his father, and that some younger son of the name of William succeeded; but it would require something more than the simple assertions of pedigree manufacturers of the eighteenth century, to delete James the younger from the Genealogy and put William in his place.

Whoever may have been the father of the Superintendant, and whatever may have been the precise degree of his relationship to the Spottiswoodes of that Ilk, thus much is evident, that there is not the smallest particle of evidence to support Crawford—who probably derived his information from John Spottiswoode the advocate—or Douglas, in the line of descent given. On the other hand, the alleged representation of the family by the Archbishop, is not supported by any proof whatever. David Spottiswoode, said to be the elder brother of the Superintendant, died in September 1570—he had five sons, and the youngest son John seems to have been at school at the time of his parent's demise—at least there is in his testament, given up among the debts due, ten pounds to Robert Futhie in Dunbar for the board of the young man. Thus, at the outset, there are five heirs-male to get rid of before the representation could come to the Archbishop, even were Douglas to be trusted as to the descent.[2]

Had the Superintendant been a son of the laird of any place whatever, it is almost certain that this would have been set forth in the Records of Glasgow University, where he was educated. Now, he is entered 27th June, 1534, as "Dominus Joannes Spottiswood Servus Domini Rectoris." The Rector at this time was James Houston, "Subdecanus Glasguensis;" while in the list of those incorporated on the same day, are several sons of lairds or gentlemen, whose parentage is carefully noted. Thus—Patricius Fleming, "filius Domini de Barochane," and Thomas Park, "filius Domini de Gilbertfield," were admitted on the same day

[1] Page 20.

[2] From the list of debts given up as due to the defunct's estate there is the following—"Item be George Spottiswood, son to the defunct, fifty-ane punds x shillings."

The debts due by him were not very formidable. "Item, ther wes awand be the said umquhile David to his seruands for their feis ten punds. Item, to Robert Futhie in Dunbar for half ane zeir burding off Johne Spottiswod his sone, ten punds. Item, to Janet Murray for the buirds of uther tua of his sones, tuentie punds."

"Summe of the debts awing to the deid, xlb.

Restis of frie geir, the debtis deductit, itm. iijc. lxv. iijs. iiijd.

To be devidit in thrie partis, ye deids par is, viic. lxxxviij. vijs. xd."

The testament was executed by Alexander Lekprevick, "notar public, the witnesses being Robert Ker, burgess of Edinburgh, Alexander Weddell, John Spottiswod, servantes and tennentes of the said Laird of Spottiswod."

with Spottiswoode. Surely the Laird of Spottiswoode was of a somewhat more ancient family than the Laird of Gilbertfield, and at least was as good as Fleming of Barochan ; and would his second son have been entered merely as the " servitour " of my Lord the Rector ? Considering the rage of the Scots for ancestral honours, it is impossible to believe that the future Superintendant had at that early age acquired so much humility, as to treat such vain distinctions with the eye of a philosopher, and to glory in the humble appellation of a servant.

By the testament of David, his wife Jane Brounfield, the Superintendant, who is also designated as " Parson of Calder," William Trotter, and Adam Brounfield of Hardakers, are named as executors. Had David been the brother of John this fact would surely have appeared in this instrument, but there is not a hint of so near a connection. On the other hand, the nomination may infer a relationship ; for assuming the Superintendant to have been a second or third cousin—what more likely than that the testator should have been desirous of entrusting the interests of his widow and children to an individual connected with his family, whose high ecclesiastical station naturally pointed him out as the most eligible person in the world, for performing so onerous a duty.

That the Superintendant was connected with the Spottiswoode of that Ilk is probably true, seeing that the relationship is asserted by the Archbishop, and there is no reason for distrusting his authority ; but the precise degree of relationship still, in the Editor's humble apprehension, remains to be proved.

THE LIFE

OF

JAMES SPOTTISWOODE,

BISHOP OF CLOGHER, MY GREAT-GRANDFATHER.

DOCTOR JAMES SPOTSWOOD,[1] Bishop of Clogher in Ireland, was borne into this world upon the seventh day of September *anno Domini* 1567, at Calder, some eight miles westward of Edinburgh. He was descended of parents of good estimation. His father, a reverend man, Mr John Spotswood, Superintendent of Lothian, Merse, Teviotdale, &c. in Scotland; and his mother, a grave matron, of the house of Lugtoun, of the surname of Creichton, by Dalkeith. He was bred up in his father's house under a tutor, Mr William Strange, first minister of Kirkliston, and thereafter translated thence to be minister of Irwine in the west; and after his said tutor was married, he was sent to the grammar schoole in Edinburgh, and from thence to Linlithgow, whence scarce past twelve years of adge he was sent to the University of Glasgow, where he profited above his elders, and in August 1583, he tooke the degree of Master of Arts.

From thence he was called home to Calder, attended his adged father till the moneth of Decembre 1585, when his father departed this life, being about 77 years of adge. His father, att his leaving this world, advised his sone James,

[1] As Father Hay has uniformly spelt the name in this way, it has been retained throughout.

after his burial, to travel to France, gave him his blessing solemnly, and the key of a desk, wherein he told him he should find means to bear his charges in his travails. But though he was willing to follow his father's advice, yet a pension granted unto him out of the Abbacy of Deere being revoked, he waited on Court, still hopeing for recompence, and for this purpose entered into the King's service, anno 1588. And when the King went in person to find out his Queen Anne, he was in Anno 1589 enrolled for one who should attend the King in his journey, where he serv'd as gentleman usher to his Majestie.

When his Majestie returned to Scotland, he continued in that service, and did grow dayly in favour with his Majesty. Whilst he was thus attending his service, and put in especiall trust by his Majesty, to keep some letters his Majestie was writing with his own hand to Queen Elisabeth, and some other papers, the Earle of Bothwell, upon Saint John's day, about eight or nine of the clock att night, with a good number of his complices, broke in att a back gate in the King's Palace att Edinburgh, where he entred so quietlie, the most of the servants being in severall rooms att supper, that they had surpris'd the King, suspecting no such thing, had not James Spotswood, sitting all alone, heard some noise of armed men; so laying up the papers, and shooting the doors, advertised his Majestie of the danger. The said Earle and his fellows by this discoverie were disappointed, his Majestie acknowledged that the said James had done good service, and now was James in good hopes to have a recompence for his pension, and a greater reward. He lingred still in the hope about the Court till the year 1598, when it pleased his Majesty to send embassaders to the King of Denmark, and the chiefe Princes of Germanie, with whom James Spotswood was sent in nature of a secretarie. After their returne from Germanie he was goeing now and then to Court, till Queen Elisabeth departed this world, and so King James proclaimed King of England. Then most of all the old servants being directed to attend their severall services, James Spotswood was commanded to stay with the Queen, and attend her Majestie as her almoner, which he did accordingly all that summer and harvest time.

Immediately after harvest, Queen Anne sent James with letters to Croydon, to the Lord Archbishop of Canterburrie,[1] where his Grace took notice of his place, and show'd him that according to the custome of England men employ'd in sutch services were sutch as were enter'd in holy orders; he show'd him further that he had taken especiall notice of him, and his good affection to the clergy of England, by some speaches he had one day att Hampton Court att dinner with Mr Gallawaye,[2] that he had done both them and himself right; so after mutch discourse advised James to enter into holy orders, encouraging him, if the King or Queen should fail in providing for him, he himself would not fail.

James Spotswood takeing the offer of that most Reverend Father in God Archbishop Whitgift to be ane outward calling to that holy service, he had long before had a desire unto, he entred in holy orders, and so in the moneth of Decembre the first year of the King's reign, in England by the King and Queen means he was beneficed in Norfolk att Welles juxta Mare. Hither he brought his wife and family a little time after Easter following. And notwithstanding he had many allurments to follow the Court, and promises of her Majestie's self, and her Vice-Chamberlan the Lord Carew,[3] to be provided to plurality of benefices, and some dignity in the church, yet he preferrd the attending of his flock to all the intisements was made him to waite on the Court. So continued attending his cure till the year 1616, when he was persuaded to accompanie Doctor Young newlie preferrd to the Deanrie of Winchester,[4] who was sent to visit

[1] John Whitgift translated from Worcester.

[2] Probably the Rev. Patrick Galloway, a divine of great eminence at the time, and who was greatly opposed to the adoption of the Five Articles of Perth. The son was raised to the Scottish Peerage by King Charles I. under the title of Baron Dunkeld, 15th May 1645. His want of birth made the elevation somewhat annoying to unsuccessful aspirants, and it was maliciously observed, that although his Majesty "might make him a Peer, he could not make him a gentleman."

[3] Afterwards Earl of Totness. He died without issue 27th March 1628-9, whereon all his honours became extinct. He was for some time President of Munster.

[4] John Young, sixth son of Sir Peter Young, the Preceptor of James VI., by Elizabeth Gibb. This marriage took place on the 4th of February 1577, and was dissolved by her death at Leith on the 10th of May 1595. They had twelve children, eight sons and four daughters. James was educated at Cambridge, and travelled afterwards through France and

and reforme the University of Saint Andrews in Scotland, where the giveing of degrees in the profession of divinity had been discontinued above 53 years, but now by his Majesties direction renued again; so amongst divers others, James Spotswood had his sermon ad Clerum, and ane other ad Populum, kept the acte, and tooke the degree of a Doctor; so returned to England to his charge.

About Christmas 1620, a Scots ship of Kirkaldy was casten away upon the coast hard by the harbour of Welles, where Doctor Spotswood, pittying his distressed countrymen, buried their dead, and refresshed the liveing the best manner he could, some part of their goods thrown in by the sea the next tyde, a part whereof was gleaned out of the water by themselves, ane other part was seased upon by Sir Thomas Southwell's[1] servants, who was by his place Vice-Admiral of that coast, and alledged the poor men's goods to be wrack. The poor men made their moan to Doctor Spotswood, who sieing he could not prevail with Sir Thomas to rendre the poor men their goods, he tooke a journey to London to Court, and got a commandment from the Duke of Buckingham, Chief Admiral, to restore the poor men.

Now while he is attending this business, the Bishope of Meathe and Clogher,[2] who was agent for the Church of Ireland att Court, he departed this life; hereupon some of Doctor Spotswood's old acquaintance att Court, and namely the Earle of Desmond,[3] was earnest with him to be a suitor

Germany with the son of the Lord Wharton. By the favour of James VI. he was appointed Dean of Winchester, and was sent by his Majesty to attend the General Assembly held at Perth in 1618.

[1] There was a Sir Thomas Southwell of Polylong in Ireland, Knight, who died 12th June 1626, but perhaps the individual alluded to was Southwell of Longstratten in the county of Norfolk.

[2] George Montgomery, D.D., a Scotsman by birth, and said to have been connected with the Noble Family of Eglinton. He was Dean of Norwich and Chaplain to James VI. In 1605 he obtained the Bishoprics of Derry, Raphoe, and Clogher. In 1610 he surrendered the two former, and took on him the administration of the See of Meath, which he held with Clogher. He died at London 15th January 1620, old style. His body was conveyed into Ireland, and buried in the church of Ardbraecan.

[3] Richard Preston was a countryman of the Bishop. He was created Lord Dingwall in Scotland, and Earl of Desmond in Ireland. His only daughter, the Lady Elizabeth, married James Butler, Earl and afterwards Duke of Ormond, in which way the Scotch Barony was carried into that Family, it being destined to heirs-general, and if not affected by the attainder of the second Duke is presently vested in the heir-general of the Butlers.

for the one of his Bishopricks. Doctor Spotswood att first slighted the notion till the said Earle first, and then the former Bishop's friends and servants, encouradged him to move the King for it, persuading him the rents thereof were double that he found they were. Whereupon Doctor Spotswood wrote these few lines following, and sent them to his Majestie by James Maxwell,[1] then a groom of the bed-chamber, and in favour both with his Majestie's self, and the Duke of Buckingham, without whose especiall favour nothing past in Ireland in those days.

" Ingenii mei pudorem (Rex Clementissime), non ignorat Serenissima Majestas tua, qui quanquam majestatem vestram, summo studio semper coluerim præcipuamque fiduciam in benignitate vestra, juxta Deum semper habuerim, nunquam tamen huiusque Majestati tuæ molestus fui, nunc vero post diuturnos in litteris Theologicis exhaustos labores ætas ingravescens, inclementia aeris juxta oceanum ubi dego, quotidiani labores quibus propemodum obruor, gradus Doctoratus quem paulo splendidius vitæ genus decet omnia hæc provocant antiquum famulum et alumnum majestatis vestræ appellare pietatem Titi nostri temporis, qui quotidie ignotis etiam benefacit; si dignabitur Clementia vestra Mordecaium vestrum tandem honorare, invidia æquanimiter feret aliquam habitam servi tui rationem: quod reliquum est vitæ post bonum Deum vovetur Majestrati vestræ: Deus optimus

[1] In the Life of Anthony à Wood prefixed to Dr Bliss's new edition of the " Athenæ Oxonienses," James Maxwell is mentioned as one of the Grooms of the Bed-Chamber to Charles I., and as having married the widow of a Mr Ryther (Ryder?) of Kingston-upon-Thames in Surrey, Surveyor of the Stables to James I. This was probably the same person, a Scotsman by birth, who published the " Laudable Life and Deplorable Death of our late peerlesse Prince Henry, briefly represented; together with some other Poems in honour both of our Soveraign King James, his auspicious entrie to this Crown, and also of his most hopefull children, Prince Charles and Princesse Elizabeth, happy entrie into this world." Small 4to. Lon. 1612. 2d, " A Monument of Remembrance erected in Albion in honor of the magnificent departure from Britannie and honorable receiving in Germany, namely, at Heidelberge, of the two Most Noble Princes Fredericke and Elizabeth, &c." London, 1613. Small 4to. A third Poem entitled—" Carolanna, that is to say, a Poeme in honor of our King, Charles—James, Queene Anne, and Prince Charles, &c." London, small 4to., has also been ascribed to him. Copies of all these very rare little volumes are in the Library of the Faculty of Advocates.

maximus Majestatem vestram Monarchiæ Britannicæ, et toto orbi Christiano, quam diutissime servet incolumem. Suo subscribitur, Majestatis vestræ humillimus et fidelissimus servus, Ja. Spotswood, D.D."

His Majestie had no sooner read those lines but he was desireous to know the particular Doctor Spotswood aimed att, which he no sooner understood by James Maxwell, but he professed he rejoiced, and was well pleased that Doctor Spotswood was willing to accept of it. The news that his Majestie had preferrd Doctor Spotswood, parson of Wells, to a Bishoprick in Ireland, did flye to Norfolke before he could return home, wherewith his loveing parochiners were not glad. The Doctor had bought the advousen of Wells benefice from the Earl of Northampton, and so intreated his Majestie for a comendham, and that he might make his benefit of it, which was granted. But the Dean of Winchester sent to Cambridge in all haste for his countreyman, George Ramseye,[1] and made sutch friends, that he got the graunt of Wells to Ramsey, to Doctor Spotswood his great loss. When the Elect-Bishop of Clogher tooke his leave of his parochiners and his Majestie to goe for Ireland, the King offerd to grace him both to be a Privy-Counsellour, and to be one of that commission that then was designed to goe over to visit and reforme the estate of Ireland, but he in modestie pretended he was a stranger to the estate and to the government; humbly thanked his Majestie, and vowed when he was acquaint with the estate, if then his Majestie thought him worthy of that honour, he would doe the faithfullest service he was able, and so took his journey to Ireland, and landed att Dublin in Aprile 1621, where he received a kind welcome of divers his countreymen and old acquaintance, who were laying att Dublin attending their privat business. But none made fairer show then the Lord Balfour, in regard they had been fellow servants in King James Bedchambre.

Soone after the Bishop of Clogher his coming to Ireland,

[1] There was really such a rabble imported from Scotland into England during the reign of King James, that it is a very difficult matter in many instances to ascertain any thing about several aspirants to preferment. Thus all that has been traced of George Ramsay is that he outwitted Dr Spottiswoode, and obtained his living.

the Lord Balfour,[1] though an ancient man of great adge, he was a suitor to the Lord Blaney's[2] eldest daughter [Anne,] a girl of 15 years old. And though Lord Blaney was informed that Balfour had a lady liveing still in Scotland, yet Balfour affirmed he was divorced from her. Primate Hampton[3] advised the Lord Blaney, who was doubtful what he might doe, that there was no danger, and for his better resolution went in persone to Castle Blaney and joynd them together. The portion the Lord Blaney promised with his daughter was, as he affirmed, no more but 1200 lb. and that Balfour would needs have 2000 named, promising to give a discharge of the other 800. But when the discharge was demanded, after the marriage celebrat, which was done one both sides with more haste then good speed, Balfour refused it, quarreld with Robert Blaney,[4] who urged it, alledging that Robert had abused his wife both before his marriage with her and after. The young lady her self was brought to acknowledge no less, her friends alleaged she was forced to confesse what her Lord pleased, or was bewitched, complained to the Lord-Deputy and Estate of the abuse, and got the young lady to be sequestrat from her Lord; whereupon the Lord Balfour complained to the King that the Estate was partiall with the Lord Blaney, and had a commission sent from England to examine the cause, and so

[1] James Balfour, second son of Sir James Balfour of Pittendriech, and brother of Michael first Lord Balfour of Burley of the kingdom of Scotland. He was created, 6th July 1619, Lord Balfour, Baron of Glenawly in the county of Fermanagh. He died in London 18th October 1634, and was buried in St Anne's-Blackfriars, on the 24th.

[2] Edward first Lord Blayney, Baron of Monahan, 29th July 1621. His Lordship was descended of an ancient Welsh family. He died 11th February 1629, and was buried in the church of Monaghan.

[3] Christopher Hampton, D. D., born at Calais, elected Bishop of Derry, but never consecrated, Vice-Chancellor of the University of Dublin, was advanced to the Primacy 7th of May 1613, and died at Drogheda 3d January 1624 old style, in the 73d year of his age. According to Ware, (vol. i. p. 97.) "He was a Prelate of great gravity and learning." His interference in the matrimonial speculations of the worthless Lord Balfour is assuredly little to his credit. A letter from the Primate to Usher then Bishop of Meath, has been reprinted by Bishop Mant (p. 410) in his valuable History of the Church of Ireland. Lon. 1840. 8vo.

[4] Probably Robert Blayney, Esq. of Tragonen, Monmouthshire, cousin of the young lady. The device of retaining L.800 for the alleged flaw in his wife's chastity, affords a beautiful specimen of Lord Balfour's elevated principles.

vertifie his Majestie of the truth of all things. The Bishop of Clogher was named amongst others one of the commissioners, which gave the Lord Balfour occasion to resort the more to the Bishop's house.

Now, meanwhill of his debate betwixt these Lords, wherin there were many passages, &c. the Lord Balfour grew scarce in money—made a' heavy moan unto the Bishop—and borrowed first but a little, but by degrees skrewed himself in more and more, and at last, finding the Bishop to be weary of lending, he offered the Bishop a bargain he had of the Lord Ridgewaye,[1] who had morgadged the castle and demeasnes of Agher to the Lord Balfour. This Agher was within a mile and a half of Clogher. The Bishop then haveing no demeasnes nor house left him by his predecessor, he hearkened to the bargain, and bought for 800 lb. Sir James Areskine[2] by this time was come over to Ireland with his Majestie's graunt for making some nobleman ane Earle. He being of the Bishop's old acquaintance, schoolefellow in the Colledge of Glasgow, and fellow-servants att Court, he resorted oftain to the Bishop's house, craveing the Bishop's advice for making his bes profit of the King's said graunt. The honour was offerd to many upon very easie terms.

But att last Robert Barclay, Dean of Clogher, took in hand to make the bargain betwixt the Lord Ridgewaye and Sir James, upon advantageous conditions to Sir James, and mutch more than ever he expected. So the Dean drave the

[1] Sir James Ridgeway, Bart. of Torr in Devonshire, 25th November 1612, created Lord Ridgeway, 19th February 1615 and 28th May 1617, and Earl of Londonderry, 23d August 1622. His Lordship was Treasurer of Ireland in 1627. See Crosley's Peerage of Ireland, Dublin, 1725, folio. p. 42.

[2] Sir James Erskine was the eleventh son of Alexander second son of John Earl of Marr, and by his wife, Mary, daughter and co-heir of Adam Erskine of Cambuskenneth, he had four sons. The two eldest, Henry and John, died without issue, the third, Archibald, married first Beatrix, daughter of the Bishop, and secondly Lettice, daughter of Sir Paul Gore, Bart. Sir James died on the 5th, and was buried in St. Michan's, Dublin, on the 8th of March 1636. See Minutes of Evidence, Kellie Peerage, p. 26. Archibald had one son, Thomas, who died without issue under the age of eighteen, and two daughters, Mary wife of William Richardson, Esquire, and Ann wife of John Montrath or Montrey, gent. On the death of Archibald in 1645, his younger brother, Colonel James Erskine, became guardian of the infant children, ib. p. 33. Whether these children were by the first or second marriage is uncertain.

bargain, which was this—That Sir James Areskine should have the reversion of the castle and demeans of Agher, and 2500 acres laying adjacent to it in possession, and Sir James should assure him of the honour. This meanwhile, the Bishop of Clogher haveing but two childering, and both marriagable—a sone and a daughter, Sir James Areskine, by the Lord Balfour's advice, made a motion for marrieing a sone of his, a master of arts, to the Bishop's daughter, upon whome he would bestow the lands of Agher. The Bishop, although he had far better matches offered him, yet he was persuaded by the Dean, the Archdeacon, and many other his countreymen, to hearken to Sir James, whose estate then was not known to be att so low ane ebb. Sir James then brought his sone to the Bishop's house, and brought the young maide, by many golden promises, to a foolish paradise. There rested nothing now but drawing a contract, and so solemnise the marriage which Sir James hasted, for he longed to finger the Bishop's money ; but when the Bishop's learned counsell was met to put the contract in forme, Sir James made new propositions, so unreasonable and so far from the first communeing, that the Bishop broke off the meeting, desired his daughter to estrange her self from their companie, and requested Sir James and his sone to forbear his house.

The Lord Balfour, informed of these proceedings, he thought it high time to act his part, so tooke occasion to speake with the young people—assur'd them they would never have the Bishop's consent, who was now fully informed of Sir James Areskine his decayed estate, and his inability to performe what he had promised. He advised them therefor to goe on, and make up the matche between themselvs, wherewith the Bishop would be doubtless offended att first, but that he was a kind man, and they would get his goodwill afterwards, when he saw they could not be parted. It was concluded by Sir James and his three sones[1] that this counsell should be followed ; so one day when the Bishop had mutch company dining with him, and the Bishop's wife was attending her only sone, who was dangerously sick that same time, they bribed a serving woman of

[1] Henry, John, and Archibald ; the two elder brothers died without issue. See Kellie Peerage Case, p. 8.

the house to bring the Bishop's daughter to the street; so entised her to Sir James Areskine's chamber, where the marriage was made up by some deboysed minister.

The Bishop litle suspected the Lord Balfour to have any hand in this business, who yet had a further fetch; for soon after, seeing the Bishop mutch grieved, he made a project to him how to defeat Sir James Areskine and his son of their evill intentions. He discoursed to the Bishop of Sir James Areskine's property, and his intention to make up his decay'd estate by the Bishop's means. "He perceiveth," said he, "your sone to be sickly, and assureth himself to get all you have in end; but if you will be advised by me," said he, "I will teach you how to defeat them of their purpose, and how to strengthen yourself with a better friendship in this kingdome. There is," said he, "a maide, a niece to the Viscountess of Valencia,[1] both wise and vertuous, and like to be a great matche. For my neighbour, Sir Stephen Butler,"[2] sayd he, "was offer'd to have 1500 lb. with her, and greater matters in hope. I will find the way," said he, "to make Sir Stephen leave off his suite. If your sone then can compasse the maid's goodwill, you may make up a faire estate for your sone. Lett your daughter drink as she hath brew'd."

The Bishop replyed, that he had already consented to ane other motion made unto him by Sir Stephen Butler himself, for his brother's daughter,[3] a beautyfull gentlewoman, and well

[1] Grizel, eldest daughter of Sir Richard Bulkeley of Beaumaris, who married Sir Henry Power of Bersham, in the county of Denbigh, who was raised to the Viscounty of Valentia in Ireland, 1st March 1620. She died without issue at Chapel-Izod on the 8th, and was buried 17th September 1641, in St Patrick's Church, Dublin. Her only sister Mary married James Eaton, Esq. of Dudleston, in the county of Salop. The young lady in question, thus disposed off by the "Undertaker" General my Lord Balfour, is said by Father Hay to have been a daughter of Tristram Bulkely of Castelbarnhill in Anglesey. See Genealogy of the Spottiswoode Family, p. 15.

[2] Sir Stephen Butler of Belterbet, Knight, ancestor of the Earls of Lanesborough. He was not related to the Noble Family of Butler, but settled in Ireland as an Undertaker in the plantation of Ulster. He married Mary daughter of Gervase Brindsley of Brindsley, in Nottinghamshire, and died 21st April 1639, leaving three sons and four daughters.

[3] Perhaps Juliana, called "the most beautiful of English women," eldest daughter of Sir Stephen's elder brother, Bekingham Butler, Esq. of Tewing in Hertfordshire.

bred, with whome he offer'd securitie for 1200 lb. in portion. The Lord Balfoure replyed, that that gentlewoman had confess'd to himself she was handfast before she came out of England,[1] and that Sir Stephen made this offer only to hinder the matche, and so renue his old suite. So never took rest till he made up the matche between the Bishop's sone and the Lady Valentia her neice.

Now had the Lord Balfour matched bothe the Bishop's childering in no good intention to him nor them neither, the Bishop had countenanced him in his troubles, lent him money, given him the patronage of Drummulie, and done him such offices, he assur'd himself that he would be ashamed to be ingrat, *sed memoria præteritorum beneficiorum ingratis est oneri.* The Lord Balfour soon after fell to open enmitie with the Bishop, because the Bishop would not consent to a wicked designe he had in hand. Thus it was, in the plantation of the escheated counties in Ulster, his Majestie had ane especiall care to have the clergy well provided for, and a free grammar school erected in every countye; so in Fermanagh there were lands lay environ'd with the Lord Balfour's lands, and his eyes were set upon them to swallowe them. To this effect he first obtained a lettre from the King, to translate the schoole from the countie towne of Inneskilling to his own village. Secondly, he made his chaplain, Jeofrey Midleton, and schoolmaster, to petition to the King to have the said schoole lands in fee farme. It was almost incredible that sutch a project should have been effected, yet he had almost brought it to pass, upon this colourc—Jeofrey pretended to the King that all the neighbours about did dayly encroach on the school lands, and that the only way to preserve them was to have them lett in fee farme to any one who should suffer no more sutch doeings, should build a schoole house, and be answerable to prosecute his Majesties pious intentions. This Jeofrey's petition was refer'd to the Lord Archbishop of Canterburie,[2] to make certificat what was to be done therein. Jeofrey being admitted to his Grace's presence, he acted his part cunningly; for being asked by the Archbishop, if there were any in the city who knew the estate of the schoole lands,

[1] She married Robert Dewshurst, Esq. of Cheshunt Nunnery.

[2] George Abbot, translated in 1611 from London.

he would not be known to be the Lord Balfour's chaplane, yet did commend the Lord Balfour for his zeale both to Church and Commonwealth. He did shew his Grace that he was building a church in his own towne, had got a warrand from the King to keep the schoole also, and would be loath that any should swallow or encroach upon the said lands, knowing his Lord would doe as mutch again for him. The Archbishop, suspecting no fraud, he desird the Lord Balfour should resort to him, and informe him of the true estate of Jeofrey's petition. The Lord Balfour was not slow to come, who acted his part so well also, that the Archbishop gave way to Jeofrey's petition; so was the King's lettres brought over to Ireland for passing patent to Jeofrey Midleton and his heirs of the schoole lands in Fermanagh, for payment of 50 pounds per annum to the schoole masters succeeding.

The Bishop of Clogher having intelligence that sutch a lettre was past in England, and brought over to Ireland, he hasted to Dublin, and shewed the Lord Deputy that both his Majestie and the Archbishop of Canterburie were abused and misinformed, and therefor humbly desird that no patent might pass upon that lettre. Whereupon some stay was made for a while, but in end Balfour, by brybeing the Lady Falkland, he had a promise to have the benefit of the King's lettre; so one day thinking himself cockesure, he insulted over the Bishop, and told him though he had done his worst, yet his patent should pass spite of his teeth. The Bishop fearing it should pass, asked leave of the Lord Deputy[1] to goe for England, and to stay so long till he understood the King's pleasure. This being graunted, Balfour prevented the Bishop, and was first in England, where he showd the Archbishop that the Bishop of Clogher had crossed his ordre, and utterd disdainful words in public place of his Grace, and was comeing over to England to pass a patent to himself of the schoole lands. With these and the like suggestions and calumnies did he incense the Archbishop against the Bishop of Clogher, in so mutch has the Bishop comeing to salute his Grace as he was wont, the Archbishop refusd to speak with him. The Lord Balfour he invented divers other conceits to make the Bishop of Clogher odious to his friends att Court. And to terrifie him he

[1] Henry Carey, Lord Viscount Falkland.

counterfeited letters, as written from his wellwillers, adviseing him to reconcile himself to the Lord Balfoure, who would otherwise undoe him. Some of these letters he let dropp in the King's Court, others he sent by porters to the Bishop's lodgings, who lodged att that time near Saint Paul's church.

Amongst others slanders invented against the Bishop, he accused him to the Lady Valencia, then residing at London, that he had cousined her niece of her joynture; that he had put Sir James Areskine in possession of the castle and demeasnes of Aghar; againe, that he kept Mr Archbald Areskine in his house of purpose to vex her niece. The Lady Valencia charged the Bishop with these points, wherof he cleard himself sufficiently. So one day both the Bishop and Balfour meeting at her lodging, she told them she percievd some grudge and heartburning betwixt them, and desird to know the cause. The Bishop answerd that the Lord Balfour had invented many slaunders and calumnies to disgrace him, but that his innocencie would bear him out against all his calumnies, and that his counterfeitt lettres and lyes would not make him desist to doe what belongs to his place. Balfour thinkeing the word lyes was a sufficient ground to swagger, he did offer violence to the Bishop. The Bishop directing his speech to the lady, told her he thought her lodgeing and her presence had been a sanctuarie, and that his coat should have protected him anywhere from blows: The wrong was done to her more then him. But while she was about to pacifie them both, Balfour made a second assault, whereby the Bishop was forced in his own defence to lay hold on him, and after once or twice goeing about the Bishop threw him on his back in the chimney, att the noise whereof the ladies servants came up and parted them. The Bishop would have complained to the King of the abuse, but was persuaded by the said lady to forbear. Her Lord also, with the Earle of Annandale,[1] labourd to reconcile them. The Bishop gave the Lords humble thanks, and assured them they should find him subject to their advises,

[1] John Murray of Cockpool, a great favourite of James VI., and principal manager of his affairs in Scotland. He was created Earl of Annandale in that kingdom, in 1624. The title became extinct in 1658. It was subsequently revived in the Johnstone Family. In Sir Alexander Boswell's edition the Earl of Arundell is substituted for Annandale.

and all reasone; but withall, that he would not betray the trust was put in him, toucheing the schoole of Fermanagh, and the building of the church of Aghenlurker, for which Balfour had receavd 1500 lb. These Lords, it is to be supposd, did their best to make them freinds, but Balfour was too subtill for them all; for whereas it was orderd by the Lords that Balfour should in the hearing of some of the Bishop's friends acknowledge he had wrong'd the Bishop of Clogher, and that he should render the Bishop some bonds and writings which was alreadie satisfied, and performe divers other conditions, and so the Bishop should take back a bond of ane 100 lb. he had assignd to the Lord Balfour was due to the Bishop from Sir William Iruine, and pay so mutch money himself when they meet in Ireland, the Bishop had no sooner left Court, but Balfour drew a decreet arbitrall as pleas'd himself, and got these two Lords to put to their hands and seals, ordering the Bishop to doe what ever was before mention'd, but what has to be perform'd by the Lord Balfour forgott and omitted. Balfour came no sooner to Ireland, but he putt this wise arbitrall decree, in suite in the Chancerie, and the Bishop put in ane other crosse bill against him for his writtings. These doeings encreased the heartburning between them, which Balfour expressd in all publick meetings, by uncivill and disdainfull behaviour. The Bishop he contemn'd his uncivility. Neither was he mutch moved with a combination made against him between Balfour and Sir William Cole,[1] begune and first motion'd by Baron Loather in his circuit, and after confirmd by a drunken health att Bellturbutt, whereof the Bishop was certified hy Sir Stephen Butler.

In this meantime, there was one Sir John Wishard, sometime Lord Pittarro[2] in Scotland, who haveing consumed his estate there, begged some escheated lands in the county of Fermanagh, and was possessed of 24 townes or tates of the

[1] Sir William Cole, an Englishman, settled in Fermanagh as an "Undertaker," at the time of the "Plantation" of Ulster by King James, and obtained in 1611 an assignment of 1,000 acres of escheated lands, to which 320 acres were added in 1612. As a mark of royal favour he had with his lady a license to sell and retail wine, and to make and sell aquavitæ in Enniskillen, of which town his descendants became Viscounts and Earls.

[2] Viz. lairds or proprietors of the estate of Pittarrow.

Bishop of Clogher's lands next adjacent to the temporall lands, for which he was to pay the Bishop 36 lb. per annum. The Bishop of Clogher sends to him many times for his rent; but he did not only deferre to pay it, but return'd the Bishop's messenger with a disdainfull and uncivill lettre. The Bishop's servants comeing to the knowledge of the contents of this lettre, desird the Bishop to give them leave and they would take and distresse for his rent; so by his direction they went to his dwelling place att Clantiverin, and brought away 16 poore beasts, kowes and heyfers, prised att nine pounds six. Sir John took this in great snuffe, and by Balfour's advise tooke out from the sheriff of the county a writt of replevin, to fetch back the goods upon securitie. There was no formality kept in takeing out the writt, nor in the execution thereof, and Sir John Wishard scornd to redeem his goods,—the Bishop's baillif therfor sold the cattle.

Balfour hearing of these proceedings, was glad to find so fit occasion for his purpose. He sent therfor for Sir John Wishard, and Sir John Wimbes,[1] his sone-in-law, who by his means had been high sheriff two years togither, so persuaded the sheriff to grant Sir John a writt of withernam,[2] to take as mutch of the Bishop's goods as the Bishop's servants had taken of his. It was done accordingly, so the Bishop being att Dublin, called up for his Majestie's service six or seven of Balfour's, and Sir John Wembeys, and Sir John Wischard's servants came to Portora, the Bishop's dwelling-place by Inniskilling, and drave away between 40 and 50 English kows, worth three pounds a-piece, which kows belongd to Sir Henry Spotswood, the Bishop's sone. Sir Henry's servants and some Bishop's servants that were left at home informed hereof, they followed the cattle, and overtakeing

[1] *Wimbes* evidently means *Wemyss*, but of the individual in question nothing has been traced. A branch of the Scottish Family of that name settled in Ireland, and acquired large possessions there, and it is very probable that Sir John Wemyss was of that stock. Lord Balfour was a Fifeshire man, and the chief possessions of the Wemyss Family were in that county. It is therefore not improbable that he married his daughter to a countryman of good descent and powerful political connections.

[2] This word is derived from the Saxon *wieder*, *back*, and *nam captio*. The writ is granted by the Sheriff, and it is "a taking or reprisal of other cattle or goods in lieu of those that were formerly unjustly taken and eloigned, or otherwise witholden." See Tomlin's Law Dictionary vol. ii. 4to edition, London, 1835.

them att the bridge of Inniskilling, when they would not show their warrand for takeing away the cattle, they rescued them, and when one of Sir John Wishard's servants was too forward to offer violence, they gave him a little knock on the head; but the very next day after came Sir John Wimbes, high sheriff, with 30 or 40 of Balfour's tennants and servants, and did drive away all the goods about the Bishop's house; and though there was good suretie offerd him that the goods should be furthcomeing, and the Bishop should answer what should be justly demanded of him, yet the sheriff would not rendre three faire stead mares and their colts; they were so lovely beasts, he tooke them away with him. The Bishop is advertisd of this just as he is comeing home, and the Archdeacon of Clogher in his company. He requested the Archdeacon therfor to goe alongst with him to Lissenskea, where the sheriff dwelt, there to perswade him and Sir John Wishard to doe him reason, and restore him his goods. The Archdeacon did so, spoake with them, and put the Bishop in hope of a good accord the next day, but the same night Balfour came home from the other side of the Lough Earn, and altered their resolutions, so they sent one Captain Ramsey to the Bishop next morning, showing him they would meet him some other time att some indifferent place, when Balfour should goe up to Dublin, but till then they could doe nothing, whereupon the Bishop sent one of his servants back to Dublin to take advise what was to be done. The messenger returned with answer that the Bishop's best course was to bring all the ryoters answeare it in the Starr Chambre, and take out a writt of Withernam to the Coroners of the county, for recovering of his goods from the sheriff, and Captain Ramsey advertised thereof.

Scarce was this writt brought down, when the High Sheriff made the Archdeacon writt to the Bishop that if he would meet them att Cluishe or Newtoune in Fermanagh, they would offer him all reason. The Bishop was well pleased therwith, and appointed a day to meet them att Newtoune, whither Sir John Wimbes came, the Archdeacon and Captain Ramsey a little before the Bishop. Sir John Wimbes hearing the Bishop was alighted of his horse at the doore where he was, he hasted him out, and met the Bishop in the very entrie, without any words. But the Bishop saluted

him, adding these words—That he little thought Sir John, of all men, would have been of counsell to doe him wrong. Sir John answered never a word; but the Archdeacon and Captain Ramsey welcomed him to the towne. The Bishop told them the days were short, and he was to goe on to Cavan that night; he desired, therefore, to know what was resolved upon by the late Sheriff and Sir John Wishard for repairing his wrongs. Captain Ramsey answered peremptorily—They had done nothing but what they would well answer. Whereunto the Bishop replied—"Then this meeting is in vain; for I expected," said he, "my mares and colts, and a year's rent that Sir John Wishard is in arrears." But after mutch discourse, the Bishop could neither hear of noe money nor restitution, so took his leave, and went on to Dublin, whither the Archdeacon was also prepared to goe.

The Archdeacon seemd to be mutch grievd that his pains were to so small a purpose, and both by the way and as they satt at table at Dublin, he ministerd still occasion to the Bishop of discourse, what power Sheriffs had in their countrys, and what advantage they had of them who would contend with them. The Bishop, not suspecting his drift, nor dreaming of what fell out afterwards, spoke freely according to his custome, alledgeing that the High Sheriff might be refused if he were doing wrong, and not executeing his office; but it should cost him 500 lb., but he would be repaid of the wrong he had done him by Sir John Wimbes, the Sheriff of Fermanagh. These words were after constructed in the worst sense. The first part of the Bishop's speech was mutch insisted upon, and so were his last words, but the other never mentioned nor remembred by the Archdeacon nor Captain Ramsay, to be witness against the Bishop after the unhappy accident fell out which followeth.

The Bishop, soon after he return'd home from Dublin, where he was sent for with the rest of the Bishops of the kingdom by the Deputy Falkland, att his returne he found one of the Coroners of the county, one Layton, att his house, sent for to execut the writt of Withernam. The Coroner pretended excuses for his own going, but appointed deputies, who, accompanied with some of the Bishop's servants, went to Lissenskea, the Lord Balfour's towne, where they found three or foure of Sir John Wimbes' horses, which they

brought away, and prized them att Inniskilling. Some two days after the 20th of Decembre, the Bishop's servants went out again, some five in number, to take a distresse for Sir John Wishard's rent, who, as they were passing by the Lord Balfour's townes, perceaved the Lord Balfour's stood of mares to be pasturing on the Bishop's lands, for which Balfour refused to pay rent: they resolved, therefore, to goe no further, so severed a part of the stood, and drove them towards Inniskilling, and were gone near seven miles from the place before Sir John Wimbes, and above three score of the Lord Balfour's tennants and servants, overtook them. Sir John, incensed with the indignity he thought done him so lately, he, without any worde, att the very first, thrust William Galbreith[1] through the shoulder with a pyke, then two or three of his company gave him divers other wounds. Humphrey Galbreith, sieing his brother in this case, he calld to Sir John to forbear, and he should have all content, to whome Sir John answerd, as the Bishop's servants affirmed—"Devill have my soule if we part so;" whereupon Humphrey grafted[2] with Sir John, and while they were wrestling in a dirty bog, one David Balfour wounded Humphrey in divers places. Humphrey laying his accompt his brother was kill'd, and himself could not escape, he tooke hold of a long skeen that was about Sir John Wimbes, and therewith did give him a deadly wound. So they parted, for Sir John's company gatherd all about Sir John himself, and pursued the Bishop's servants no further. The Bishop's men had lost mutch blood, and were all sore wounded, so had mutch adoe to get home. They did not acquaint the Bishop with that was done, neither did he suspect that unhappy accident, till Sir William Cole came to Portora, and affirmed that Sir John was deadly hurt, and therefore required the Bishop to enter in a recognisaunce of a thousand pounds, to make his servants forthcomeing att the next assises. The Bishop neither believd it to be so, nor would agree to enter recog-

[1] A younger branch of the Galbraiths of Balgair in Stirlingshire, settled in Ireland, and acquired considerable landed property. About the beginning of the present century the elder branch failed, and the estate was under the entail, successfully claimed by the heir-male of a Major Galbraith, who lived in the reign of William III. Perhaps the individual referred to in the text was the original settler.

[2] Grappled?

nisaunce. "If my men," sayd he, "have done what they cannot answer, there you have them, do what you think good; but it were as fit," said he, "to press the Lord Balfour and these who accompanied Sir John Wimbes to enter in bonds to answer the killing of these my servants, who, you sie, are sounding and dieing." Sir William replyed—"It were great cruelty to suffer his servants to be carried to the goale in that case they were in, neither can I carry them to the goale," said Sir William, "for fear they be murthered by the way." For all this, whatsoever he pretended, or any other pursuasions his wife, childering, or servants did use, the Bishop was constant in his refusal, till they came upon him with a new invention. They alledged that Thomas Wallas sent word, that Balfour, with all his power, was comeing, would fire the house, and take them out by force. Sir William Cole took the hint of this invention; so directing his speech to the Bishop—"My Lord," said he, "there is like more hurt to be done, and you cannot clear yourself thereof, if, by refuseing to be surety for your men, you give the occasion." The Bishop was thus overcome, and the rather because the wounded men protested and swore they would never depart the house, without the Bishop's license. To prevent further mischiefe then, he entered recognizaunce in a 1000 lb. for his servants' appearance att the next assises, the Bishop's son-in-law to enter recognizaunce of 500 lb. to this same effect; whereunto he was easiely intreated. The next day being the Sabbath, one Sergeant Griffin came to Portora, and informed the Bishop that Sir John Wimbes was yet alive, wherof the Bishop was very joyfull; yet he sent a messenger of his own of purpose, to gett more certainty of every thing had happened. This messenger, att his returne, shewed that Sir John Wimbes dyed the day before, or ever he went out of the field. That the other coroner Clinton Maum[1] had called a jurie, and they had found Sir John Wimbes to be murthered by the Bishop's servants. So soone as the Bishop was informed therof, he sent a messenger to the Lord Deputy, of purpose to informe him of the trueth of this unhappy accident; but not thinking that sufficient, he hasted up to Dublin himself. When he came

[1] Maund—Sir A. Boswell's edition.

thither, the Lord Deputy refused to speak with him, discharged to waite upon him to church, or to come near him while[1] he were sent for. In the mean time, some who had relation to the Lord Deputy resorted to the Bishop, useing many arguments to terrifie him. But when they perceaved he was confident, and trusted to his innocencie, then they told him, were he never so innocent, his bishoprick, a thousand pounds per annum, would spoile all "*Prædium Tuum te perdidit*," said Hannagh, whom Falkland had made Clerke of the Counsell. About the same time came Malcolme Hamilton, Archbishop of Cashell, to the Bishop of Clogher, and told him he had a message to him from Sir James Areskine, namelie, that Sir James perceived him to have strong and mighty adversaries, and that he would have use both of friends and money; that howsoever they had been jealousies and heart-burnings betwen them of late, he would forgett all that was past, and now prove a true friend indeed, which Sir James was desireous to express himself, if he were assured to have a meeting. The Bishop of Clogher desired him to render Sir James thanks, assured him of a kind welcome, never suspecting any other drift but that this friendship offered proceeded of a generous minde; but after three or foure days, the Archbishop came back againe, and told the Bishop of Clogher, that if he thought to make use of Sir James Areskin's friendship, he behooved to make Sir James a right to the castle and demeasnes of Agher. The Bishop answered, that all the right was in Mr Henry Spotswood his sone, whom he neither could nor would wrong. Sir James Areskine perceaving he sped not by his first invitation, he tooke a quite contrarie course. He sent a messenger to the Bishop of Clogher, makeing it knowne that Sir John Wimbes who was killed, was his nearer kinsman than he had thought upon at first; discharged friendship therfore with the Bishop, and assured him he would help to revenge Sir John his death, and herein he was as good as his word, for wherever he came, or in what company soever, he spoke hardly of the Bishop and his cause, [and] gave out that the Bishop would surely perish as he justly deserved; so in returning home, sent for his gossip Harrye Laslyie,[2] then curat att Fredagh, after Dean

[1] Until.

[2] Henry Leslie, translated to Meath.

att Downe, and at last Bishop, persuaded him to haste to Court, and beg the Bishoprick of Clogher, which he had assured him would be voyde.

Some few days after came the Lord Balfour and his daughter, Sir John Wimbes his widow, to Dublin, with a great train. They went the next day to the Castle with great solemnity, were admitted at first to the Deputy's presence, and the next day after was a Counsell called of purpose. Then did the Ladye Wimbes petition the Bishop might be committed to the Castle, and got Sir William Reeves, the King's Attorney, to draw her petition, who very cunningly couched divers arguments to prove the Bishop to be accessary, or rather the contriver of Sir John Wimbes' death. The chief argument he used was, that the Bishop sent out his men armed—att their return commended them for their valour—was seen to rejoyce att the news of the slaughter—held Sir William Cole, a Justice of Peace, att his gate, when he came to apprehend his servants—refused to deliver them to him, and so convoyed them away, that they should not betraye him who was indeed the author of all the mischief. The Bishop was then sent for by a pursevant, and the petition read in his hearing, and the accusation mutch agravated by the King's attorney. The Bishop began to answer the accusation by words of mouthe, but the Lord Chancellour[1] interupted him, and desired him to put his answer in writing the next Counsell day. The Bishop did accordingly, yet after he had put in his answer, there was some debate att the Counsell table, in his own hearing, whether he should be committed or not. The Lord Deputy urged it mutch, but the most part of the Counsell resolved to hear more pregnant proofe, that accusation was not

[1] Adam Loftus, constituted Lord Chancellor of Ireland 13th May 1619, created Viscount Loftus of Ely, by Privy Seal, dated at Westminster, 23d April, and by Patent, 10th May 1622. The title became extinct in the person of Arthur the third Viscount, whose widow, his third wife, married Nicholas Loftus of Loftus Hall, who was created Baron and afterwards Viscount Loftus. His son was created Earl of Ely, but the titles became extinct on the death of the third Earl, 8th May 1783. His sister Elizabeth married John afterwards Sir John Tottenham, and their son Sir Charles, having succeeded to the Loftus estates and assumed the name, was created a Baron, by the title of Lord Loftus, in 1785, and from him the Marquis of Ely is descended, who in this way is only an heir-female of the Loftus Family.

sufficient, so he was not committed. Furthermore, it was ordered by the Lord Deputy and Counsell, that the Bishop should enter into new bonds to bring up his servants to Dublin, as soon as they were recovered of their wounds, that so they might receave their tryall in Easter Terme therafter, and that his bonds entered to Sir William Cole for his servants' appearance att the next assises should be cancelled. In obedience to which ordre the Bishop went to the Lord Cheife Justice of the King's Bench, entered newe bonds, with sureties more then formerlie, for the soume of 1500 lb. to bring up his servants to Dublin, and got the Lord Cheife Justice' lettre to Sir William Cole, making mention of the Counsell's ordres, and dischargeing him to returne the first recognizance to the Judges of the next circuit, to which effect he would also send a certiorarie to remove the cause either at or before the next assises.

The Bishop, haveing payed for his certiorarie, and fulfilled the Lord Deputy and Counsell's ordre, he went to take his leave of the Lord Deputy, but the Lord Deputy refused him, till he found surety for keeping the peace; yet having done this also, he was denied leave to depart the towne till the holydays were past. In the meantime, a commission was sent to Sir William Cole to examine the Bishop's servants upon interrogatories, who sent for them to his own house, and examined them upon oath touching the interrogatories sent him. This was done, without the Bishop's knowledge, and it is like, if any colour could have been had by these examinations to bring the Bishop in, he should not have gone home in haste. When the depositions were returned, and no material thing found in them, the Bishop had leave to goe home; but before he returned, his servants, for whom he had entered bonds, were gone sundrie ways contrair to their promise. They were terrified att all hands, and Balfour used all his cunning to make them run, professing openly he was sure they could not escape if they appeared. It was the Bishop's life and estate he aimed att, and that he cared not so much for taking a revenge of rascalls. The Bishop's servants were also jealous of their Lord, that at his return he would make them fast, and provide for his owne suretie: they concluded therefore they would never be altogither in his house, assureing themselves he

would never send one or two to the goale for fear of scarring the rest, seeing the absense of any one of them forfeit his bonds. The Bishop then suspected such a matter before he came from Dublin, and therefore would willinglie take such a course as might have quieted the adverse party; but the Archbishop of Cashell[1] returned him answer—There was no composing or aeeomodating of the business, for Balfour had sworne to him that all the Bishop was worth should not save his life. The Bishop therefore resolved to present his men to justice, but found it impossible otherways than by fair means. He used therefore all faire means, and the best arguments he eould, to perswade them to make them goe up togither to Dublin; but perceiving dayly more and more their unwillingness, he forsaw his own danger, that he must needs forfeitt his bonds, for even they of his own house pitied his servants, and wished them to escape, without any care of trouble [that] might ensue to the Bishop. Thus perplexed in mind what course to take, he thought it his best to writ to the Cheif Judges, the Lord Cheif Justice, and the Lord Cheif Barron of the Exchequer, to move the Deputy in his behalf to take some course to bring up his servants, which he perceived himself was not able to doe. The messenger that was sent with these lettres was one Norman Lindesay, Parson of Derribroske, who had instructions to request the Lords to keep their letters seeret, and to bring baek their answer, but he returned without any kind of answer. And the Bishop's lettre, which he tooke to the Lord Cheife Justice, was showed by one Butler his servant to James Galbrathe, who presently wrote to his brothers to be upon their keeping. Hereupon the Bishop hasted to Dublin himself, assured, as he supposed, to have the Lord Deputy's best help to bring up his servants, wheresoever they eould be had; but the Lord Deputy showed him that he had long agoe sent his warrant to the Sherrif of Fermanagh, Sir John Dunbar, to goe to the Bishop's house, and eommand the Bishop to deliver him his servants; and if he refused, to take the power of the countrey with him, and take them out by

[1] Malcolm Hamilton, Chancellor of Down, obtained the Bishopric of Cashel upon the death of Miles Magragh, a Franciscan Friar who had turned Protestant, was promoted to the See by Queen Elizabeth, and who died 1622, aged 100 years.

force. The Bishop told his Lordship he had heard of no such warrand—that this served but to skare them and undoe him. The Lord Deputy replied—That he had sent his warrand to the Sheriff six dayes ago, and now there was no other remedie but haste home and take the Sheriff's help. The Bishop was informed that there were men laying in wait for him as he should returne to kill him; yet he made no stay, but rode night and day till he came home. The jealousie encreased every day betwixt the Bishop and his servants, and the Bishop expected every hour the Sheriff of Fermanagh his coming; but when he had stayed at home a seven nights and heard nothing from him, he sent one Mr Barbour, parson of the paroche, to ask him whether he had receaved any such warrand as the Deputy had told him off. The Sheriff answered, he had heard nothing thereof. Then did the Bishop apprehend how the business would be handled, that the warrand was in the Lord Balfour's hands, and he would choise a time for the execution thereof, as the Bishop's servants should not be found, but only skarred and afrighted.

And so it fell out, the Bishop being att Clogher, they in Portora were warned, the day before the Sheriff coming, to absent themselves. By this time the Judges were come downe to Iniskilling, namely, the Lord Angeirs,[1] Master of the Rolls, and one Mr Phillpot. The Bishop addressed himself the next morning to attend them; but the Lady Wimbes was with them before him. The Judges spent many houres in hearing her complaints and exclamations, wherin she was the more passionat, being insensed by one George Hume of North Berwick,[2] his foolish and indiscreet speeches, who

[1] Sir Francis Aungier, created Lord Aungier, Baron of Longford, in the county of Longford, 29th June 1621. He died 8th October 1632, aged 70, leaving by his wife, a sister of Gerald fourteenth Earl of Kildare, three sons and two daughters.

[2] Alexander Home of North Berwick, Lord Provost of Edinburgh from 1593 to 1596, was a younger son of Patrick Home of Polwarth, and obtained a Crown Charter of the lands and barony of North Berwick 15th October 1591. His sister was Prioress of the convent there; and strange to say, retained her station and the conventual lands until the day of her death. Under the destination in the charter, his nephew John Home, succeeded to the Barony on the death of his uncle in July 1597 without issue. The estate of North Berwick was sold to the great money dealer of those days, Sir William Dick, 1st July 1633, but Sir John got considerable grants of lands in the county of Fermanagh, which fell to his

urged her to take some composition from the Bishop's servants, in regard she was left in so poore ane estate, without maintenance. These unhappy speeches, uttered by one come in company with the Bishop, insensed the Lady, and offended all parties, and principally the Judges, who, coming abroad, showed all disrespect to the Bishop they could devise, advising him also by Sir William Cole, in whose house they lodged, to forbear to sit with them on the bench.

The Bishop took noe notice of their disrespects, but as they were rideing to the judgement place, asked them if it were not their pleasure to begin with divine service. They professing themselves to be indifferent, the Bishop alighted and guided them to the place where one Mr Hatton, curat of Clogher, and schoolmaster to Sir William Stewart's[1]

eldest son George, created a Baronet by Charles I. The male deseendants of Sir George terminated in Sir Gustavus Home of Castle-Home, who dying in 1734 without male issue, his estates were divided between his two daughters—Mary married to Nieholas Loftus, afterwards Earl of Ely, in the kingdom of Ireland, and Aliee married to George Roehfort of Roehfort, in the county of West Meath.

[1] Sir William Stewart of Anehentean and of Newtown-Stewart, in the county of Tyrone, a native of Seotland, was in great favour with James I., and beeame an "Undertaker" for the Plantation of Ulster. He was firmly attaehed to the eause of Charles I., and was sueeessful in his exertions, a eireumstanee whieh may be partly attributed to his having served for many years under Count Mansfeldt and the illustrious Gustavus, in whose service he rose to the rank of Colonel. He suffered for his loyalty, as three of his ehief houses, one new built ehurch, two market towns, and several of his villages, were totally burnt and destroyed by the friends of liberty, who despoiled him of eight hundred sheep, sixty eows, forty horses and mares, besides eorn, goods, and effeets, to a great extent. He survived the Revolution, and died at a good old age. He married Franees seeond daughter of Sir Robert Neweomen, Bart., and had five sons and two daughters. His heir, Alexander, predeeeased his father, having been killed at the battle of Dunbar, 3d September 1653. His wife was, however, eneeinte at the time, and six weeks after her husband's death brought forth Alexander, who was, 19th Mareh 1692, ereated Lord Stewart of Ramulton and Viscount Mountjoy. His grandson was ereated Earl of Blessington in 1745, but dying without issue 14th August 1769, the Barony, Viseounty, and Earldom failed, but the Baronetey devolved upon the heir-male of Thomas Stewart of Fort Stewart, in the eounty of Donegall, seeond surviving son of Sir William the first Baronet, in whose deseendants the Viscounty of Mountjoy and Earldom of Blessington were revived. The titles have again beeome extinct—the lady, so well known to the literary world as Countess of Blessington, being the widow of the last Earl.

Sir William's younger brother, Sir Robert, was also a distinguished military officer, and firm adherent of the Crown. He also survived the

childering, a man of reasonable good gift in pulpit, was appointed to be preacher that day, but he was advised to absent himself, as he did; whereupon the Bishop intreated the parson to supplie the place, and when he excused himselfe, he requested the Archdeacon to the same purpose: And when he was refused at all hands, he went up to the pulpit himself, takeing for his text the seventh verse of the 23d of Exodus, which, though he handled, but in these, confirming his doctrine, first by Scripture, then by some of the ancient fathers, as well Greek as Latine, and, last of all, alleged laws, both Foreign and municipall, to his purpose; yet the Judges were not pleased with his sermone, in so much as Judge Angiers told the Lord Deputy that the Bishop preached his own matter; and Phillpot, who gave the jury the charge, desired all them that were at divine service, not to be moved with what they heard delivered there. The Judges, and the High Sheriff, and the Under Sheriff, used all their skill to have such a jury chosen as would find Sir John Wimbes' slaughter to be murther, and had their desire accordingly. Then was the Bishop called upon to bring forth the bodies of his servants for whom he had entered recognizance. Sir William Cole had warrand enough not to produce the recognizance, having both the Act of Councill and the Cheif Justices' lettre for cancelling the bonds, and was told so much by Judge Angiers, as Angiers affirmed afterwards, yet he would needs shew them; and so the Cheiffe Justice's certiorie not [being] sent according to promise, the Bishop and his sone Areskin's bonds in 1500 lbs. were forfeited.

The next day after the assizes ended, Sir Henry Spotswood came over from England with his Majesty's lettres forbidding any indictment or prosecution of the Bishop himself till such and such Commissioners, whereof nine were joyned with the Lord Deputy, they should find there were violent presumptions or pregnant proofs that the Bishop was accessory to Sir John Wimbes' death. These Commissioners met diverse times, and many accusations were brought against the Bishop before them, and such witnesses

Revolution. He was, according to the "Montgomery Manuscripts," Belfast, 1830, 12mo. p. 113, one of the chief mourners at the funeral of the Lord Viscount Montgomery of the Great Ardes, in May 1636.

as the adversarie thought would serve his turne. But the Commissioners found more malice both in the accusers and witnesses, then any matter to prove the Bishop any way guilty. The Bishop resolved all this while that nothing could clear his cause more than the bringing up his servants to Dublin. To which purpose he did write to them by his sone-in-law, Mr Archibald Areskine, that he had received good news from England, whereof he would be glad to have them partakers. Upon the receipt of which letter Humphrey Galbraith and his brother William, and William Cockburne, came to the Bishop's house to Potora, where the Bishop was very earnest with them to send for the rest that were absent, and would come home by their persuasion. Humphrey Galbraith he answered—That they were not so simple but they perceived the Bishop's drift, that when he had got them altogether he would deliver them to the Sheriff; to which treacherie, he protested, he would not be instrument. "It is enough," said he, "that we three are fallen into the snare, though we betray no more." The Bishop replied—That the time is now approaching when he must needs bring them all up to Dublin, otherways he was assured by the Lord Angiers that both his recognizances, taken first by Sir William Cole, and then acknowledged to the Lord Chiefe Justice, both of them would be forfeit, which, if there were no more but payeing 3000 lb., were enough to spoile his estate; but yet this was not all; that it would lay heavier upon him than all this—that his servants, shunning their tryall, would spoile both their own cause and his. He desired them, therefore, to pity his estate, and to remember their solemn oath never to forsake him, when he entered into bonds for them; and for their securitie he told them he had the resolution of the best lawyers in the kingdome that no understanding jury could ever, all circumstances considered, find Sir John Wimbes' death to be any other than manslaughter att the worst. But no arguments the Bishop could use, could perswade them either to send for their fellows, or to goe up to Dublin themselves; yea, they grew the longer the more obstinat and peremptorie in their speeches. Whereupon the Bishop resolved to send for the Sheriff and deliver them to him, and in the mean time took from them their weapons, and

set keepers over them. The Sheriff, Sir John Dunbar, he came, but with no intent neither to take them off the Bishop's hands, nor to pleasure the Bishop, but of purpose to watch the Bishop, and make them flie. When the Bishop perceived the Sheriff's double-dealing, he plyed his servants now in his keeping, and used all persuasions to them to go up willinglie to Dublin, which would grace and countenance their cause; but it would fall out otherwise if they went by compulsion. They seemed to be perswaded att last, and said they must doe so now since they could doe no better, though they expected better dealing; and that the Bishop would not have urged them so farre till they heard from their brother, James Galbraith, who was gone to England to Court, to trye what he could doe for them. The Bishop suspected their consent to be but counterfeit, desired therefore his sone, Sir Henry Spotswood, to take heed to himself, and commanded all the rest of the servants to be upon their guard, and appointed watchmen within the house and without. They took all well in hand; yet the Bishop was ever fearfull, and so fretted within himselfe, full of care and grieff, he could not rest; he called therefore for light, and began to put on his cloathes, when one of the servants who lay without the gates, came knocking and told that the window towards the garden, where the prisoners lay, was open, and a long rope hanging out at it. The Bishop instantly apprehended they were gone, broke up the chamber door, which they had made fast within, and seeing them gone, and a paper in the end of the rope, he read the letter, which was this as followeth:—"17th March 1626, Right Reverend and my verie good Lorde—It is not unknown to the most of the countrey what gross wrongs and abuses, I will say no worse, such as some would have been ashamed to have offered their enemies, we your unfortunate servants have been forced to pack up and suppress since this miserable accident, only because we would not stain our six years' service with the least colour of a disloyale thought towards our master. My Lord, you know we are not ignorant how your Lordship, pretending your endeavours were imployed for our good, did by your letters entreat both the Chieff Justice[1] and the Chieff Baron[2] to procure from the Lord

[1] Sir Christopher Sybthorpe. [2] Sir John Blennerhassett.

Deputy a warrant unto the Sheriff for our restraint, which, because it came more slowly then you desired, you did make a journey to Dublin of purpose to hasten it; for so the effect doth prove, in that haveing obtained it, or knowing it was obtained before, you stayd not above two or three hours in Dublin thereafter. If this were faire dealing against your own servants, who never accompted their own lives too dear for you, let God and the world judge. And yet all this could never have made us forsake your Lordship, if you had done no farther. But now that your Lordship hath gone so grossly to worke, as that all the countrey had taken notice that on Teusday last you concluded with the Sheriff to draw us all together, and then to give him notice, wherein you have not been wanting; for had Mr Areskin come here with the rest upon Thursday at night, on Friday we should have been the Sheriff's prisoners, for which purpose you sent your man Abraham away in the night unto him; and he accordingly came by times in the morning. Remember withall, I pray your Lordship, two things; first, what a fair pretence you made for goeing to the Sheriff on Teusday, and all for his coming against us upon Friday, when you thought we had been strangers to your proceedings. Secondly, how insolently you did use us, when you did see your plot crossed by reason of our not being together. Thomas Williams never insulted more over his poor prisoners then your Lordship over us; neither did he ever in baser manner use his than your Lordship us. And all these things the world thinketh you doe because you would be discharged of your bonds, after which, if our innocencie bears us not out against the tirranie of our adversaries, you you would scarce redeem us six with sixpence; and for this purpose you determined to send us up in base manner to Dublin by the Sheriff, wherein you tender not our credit. Yet excuse us, we must respect our own good, and therefore have resolved to be our own keepers till the time of our appearance, when I sware, if I shall be alive, we shall all be present, if in the meantime your Lordship do your part, and follow the business as you should do; but if otherways you spend your time in seeking of us, it will not only be in vain, because you can never find us. But withall it will make us of purpose to absent ourselves to requite thereby your

wretchedness. If, therefore, you love yourselfe, as I know you do better than all the world beside, follow your business, and leave the pursuit of us, which if you doe, I vow before God, that not only those who are with me, but even the rest shall be present at the day; for so mutch I dare undertake for them, wheresoever they are. Thus I humbly take my leave, and resteth your Lordship's faithfull servant, HUMPHREY GALBRAITH."

The insolencie of this letter, together with his own danger, made the Bishop take all the courses his wit could devise how to bring them back to their tryall, to which effect he posted many letters to friends and foes, to the Sheriff, to the Marshall, Captain Atkinson, to Sir Daniel Leygh, to Captain John Leygh, to Sir James Areskin, to Balfour himself. He sent also searchers to search the towne of Inniskilling. Though it was Sabbath day he posted to Killkenie himself, and there dealt with one John Forrester, agent for the Lord Folliot,[1] to lay in waite for these men, and to bring them back, offering him 20 lb. in reward. He sent his sone, Sir Henry Spotswood, to get lettres from the Lord Deputy to belay all the ports of the kingdome. He himself wrote to the Bishop of Derry,[2] and to the Viscounts Claineboys[3] and Ardes,[4] to stay them if they came in their bounds; but all was labour in vain. Sir James Areskin did his best endeavour, but more for grudge he bore Humphrey Galbraith

[1] Thomas second Lord Folliott. His father, Sir Henry Folliott, was, 22d January 1619, created Lord Folliott of Ballyshannon, and died 10th November 1622.

[2] George Downham, D.D., Chaplain to James I., advanced to the See of Derry by Letters-Patent dated 6th September 1616, died at Londonderry, 17th April 1634.

[3] James Hamilton, first Viscount Claneboys, was the eldest son of Hans Hamilton, Vicar of Dunlop in Ayrshire, a natural son of Archibald Hamilton of Raploch. The Viscount was originally a schoolmaster, and it is said that Archbishop Usher was one of his pupils. Subsequently he was a Commissioner for the Plantation of Longford; and amassing property real and personal, was raised to the Irish Peerage by the title of Viscount Claneboys and Baron Hamilton, 4th May 1622. From him the Earls of Clanbrassil were descended.

[4] Hugh Montgomery (of the Eglinton Family) was created Viscount Montgomery of the Great Ardes, and from him the Earls of Mount Alexander were descended. He died in May 1636, aged 76. A very interesting account of his appearance and character will be found in "the Montgomery Manuscripts," pp. 96, 97, 98, 99.

then love to the Bishop. But Balfour triumphed in the Bishop's disaster, and told the messenger if he thought they were gone eastwards, he would seek them westward. The Bishop soon after, when he perceived there was small hope of finding his men, he took his journey to Dublin. Here he was persuaded to give awaye to some who should mediat with the Lord Deputy for a pardon to his servants, if they should come in and be cast. There was choise made of Sir Robert Carey,[1] with whom it was agreed, that if the Bishop's servants should come in, as it was thought they would upon his lettre, he should have ane hundred pounds for his good-will, and the Deputy, if they were condemned, should have a thousand pounds for a pardon. Sir Thomas Carie's letter was sent to this end to the North, where the Bishop's servants lurked amongst their friends, together with other lettres from some other their friends in Dublin, and amongst others, Mr Archibald Areskin and the Bishop's daughter-in-law, the Lady Spotswood, wrote unto them, assuring them they might appear without danger; but whether they resolved to come up or not, required them to send back Sir Thomas Carie's lettre, which they were to keep that should disburse the money. This lettre was returned, enclosed within his men's lettre sent back to Mr Areskin; and they themselves resolved once to come up, and were come up as far as Tredagh, till they met with Sir John Cunninghame, who told them, as was alledged, that he heard of Mr Boyle, the Lord Valencia, his chaplain, that the Bishop had vowed never to know them, far less to be at more charge for them, whereupon they went back.

All this while the Deputy and State were jealous that the Bishop had shifted away his servants, which Balfour still urged, though he was persuaded otherwise in his conscience. Now, Easter Term was begun, and the Lord Balfour laboured

[1] Sir Robert Carey, eldest son of Sir Edmund, third son of Henry Lord Hunsdon. The Sir Thomas noticed a few lines afterwards, was his brother. Sir Robert Carey married a Dutch lady, and their descendants ultimately succeeded to the Barony of Hunsdon, one of whom, Robert, was, when the succession opened, in the humble situation of a weaver. His son, William Ferdinand, a Dutchman, having been naturalized, became eighth Lord Hunsdon, and upon his death in 1765, in the 82d year of his age, the title is supposed to have become extinct. It may be noticed that Sir Robert and Sir Thomas were related to the Lord Deputy.

by all means to get the Bishop's recognisances estrated ; the Bishop, on the other side, petitioned that his first recognisance to Sir William Cole should not be estrated, in regard of the Counsell's ordre above written ; but the Lord Angiers hastened the estrating of the first recognisance, and was of the Counsell to hasten away my Lady Wimbes to Court in England, to beg the forfeit from the King. The Bishop of Clogher informed thereof that his first recognisance was estrated against all law and equity, that the said lady was preparing for her journey, and that the Lord Angiers and his sone, Sir Henry Holcroft, had projected to divide his spoile amongst them, he wrote over to England to his sone, Sir Henry Spotswood, to stop such courses, and to shew his Majestie the injustice was done him herein.

The Lord Balfour also wrote a lettre about the same time to his daughter in these words, the coppie of this lettre was brought the Bishop by George Annand, schoolemaster of Balfour's toune, murthered afterwards by one Mrs Whitlaw.

The coppie of a lettre written by the Lord Balfour from Dublin to his daughter, the Lady Wimbes, who was att London at Court :

" DAUGHTER—The eyes of all men are upon you, and the business you have in hand, wherein our God graunt you good success. There was some as sharp sighted as eagles that are now become as blind as moalles ; for since Sir James Areskine, there is a busie lady letteth bribes flye, and this cannot otherwise but blind the eyes of justice. You may addresse yourself to Sir Henry Holcroft, who is bound to me in many respects. If our proofs faile and be narrowlie sifted, we may get a smarting blowe. Use all your credit therefore to get some of the commissioners changed. You know whom. Deliver my lettre, written to the King, to David Ramesye, who will present it to his Majestie, and give my Lord Canterbury my lettre out of your owne hand. Let me know if Burley[1] and the Lord of Wimbes[2] be as forward as they promised. I heare the Bishop is much comforted by his sone Sir Henry Spotswood his return. I

[1] His nephew Lord Balfour of Burleigh.

[2] Probably the head of the family—the Laird of Wemyss—afterwards created a Scottish Baron by patent, dated at Whitehall, 1st April 1628.

keep my best gunnes till the last, and will make him and his sing a dririe dirige before I have done. I have set my rest altogether upon this business, and though it may cost me dear, yet I hope to bring the Bishop and all his to utter ruine, and then, whether rich or poore, we shall have content, which is the greatest riches. The Lord Deputy and the Chancellour are sure mine; and if you doe as I have had experience of your actions heretofore, and as you can and may doe there, I will not be behind in doeing my uttermost here; and thus praying God to bless you in this your business, I rest your loveing father. Dublin, the 2d of June 1627. *Sic subscribitur*, BALFOUR."

In the mean time one James Carmichael, a carver to the King, he begged the forfeit of the Bishop's recognisance, and past a patent thereof under the Great Seal of England. This patent of James Carmichael's was brought over to Dublin in the beginning of Trinitie Term by one William Carmichael, James his agent. The benefit of the patent was offered to the Bishop for ready money, otherwayes he was threatened the agent would sell it to the Lord Balfour. The Bishop took him to advise with his council, [and] was bold also with the Lord Deputy to ask his opinion what was fittest for him to doe. He was wished by the Lord Deputy to pause a little, till he himselfe was resolved of the King's pleasure. But other the Bishop's friends advised him to compound with the patentee, for fear he should fall into his enemies' hands. The Bishop he followed this last advice. In the meantime he sought reducement of the first estreate, but Balfour opposed it with all his credit, and made it impossible to be effected, as thus: One Baron Loather,[1] a penny[2] Baron of the Exchequer, was one of the fower behooved to consent to all reducements, in regard the Lord Chancellor was gone to England. This man was obnoxious to the Lord Balfour, and Balfour got his faithfull promise

[1] Sir Gerard Lowther was the fourth son of Sir Richard Lowther, High Sheriff of Cumberland, who conveyed Queen Mary upon her arrival in England to Carlisle Castle. Sir Gerard obtained promotion in Ireland, where he acquired valuable property. He was Chief Justice of the Common Pleas for Charles I., and Lord Chancellor for Cromwell in 1654. Such political versatility will not surprize the reader of these pages. This worthy died issueless, although he had thrice drawn in the lottery of matrimony.

[2] Puisnè.

never to consent to a reducement. The Bishop, on the other part, dealt with Baron Loather, and shewed him the equity of his demand for reduction of the first recognisance estrated. Baron Loather he answered, that he and his brothers had been reasoning together of that business amongst themselves, and that they did all agree, there was neither equity nor concience to take the forfeit of both recognisances; yea, that it should be against the King's honour, and a discredit to the State, who might be justly charged to have cheated the Bishop, if the rigour of both bonds were taken. "But this," said the Baron, "I would advise you, my Lord, as a friend; if you would have your reducement expedited and quickly done, then make all the haste you can to have the second recognisance estreated, as well as the first, for we have concluded not to reduce the first till the second be estreated."

The man spoke cunningly, knowing what course the Lady Wimbes was on in England. The Bishop, suspecting no deceit, followed his counsell; but when the second recognisance was estreated, and the Bishop sought reduction of the first, though all the members of the Exchequer, and the King's learned counsell, too, thought it fit there should be a reducement of the first, yet Baron Loather would in noways consent, but exclaimed against the murtherers of Sir John Wimbes, aggrevated the heinousness thereof by the unworthiness of the actors, a sort, as he called them, of base and contemptible rascalls; and concluded his discourse with a flat negative, that he should never consent to any reducement, for it was fit the Bishop of Clogher should pay the whole 3000 lbs. for suffering his men to escape. Thus did the Baron insult, when he thought he had got the Bishop in the snare. The Bishop now had no remedie but to make use of his transaction with the patentee Mr Carmichael. He pleaded the patent, therefore, in the Court of Exchequer, [and] got Sir William Rivers, the King's Attorney, to acknowledge a judgement. So the Bishop and his sone Areskin with their sureties were discharged, and had their *quietus est*, out of the Exchequer. The Bishop he hasted the extracting this decree, because he received advertisements, day by day, that the Lady Wimbes had gotten a grant of the King of the forfeiture of both the recognisances.

Neither were these rumours without ground, for the very next day after the Bishop had got his *quietus* out of the Exchequer, by the said lady's procurement, the King wrote to the Deputy and Counsell to this effect—That wheras Sir John Wimbes his slaughter was found by the grand inquest of the countrey to be murther and treason, and that his widow did accuse the Bishop of Clogher to be accessarie thereto, in regard he had protected his servants against the course of justice; that he did harbour them in his house, and suffered them to goe at large; had also disobeyed the Deputie's warrand, when he was commanded to produce his servants; had also withstood the sheriff, who had authority from the Lord Deputy to search his house; in end, after he had aid[ed] them a long time, at last voluntarily he suffered them to escape, by all which reasons the Lady Wimbes charged the Bishop to be accessory to her husband's death; the Lord Deputy therefore was commanded to give present order for legal proceedings against all the offenders, as well the accessaries as the actors, notwithstanding of any former lettre to the contrairie. Again, that the Bishop and others had entered into severall recognisances for the appearance of his servants, first at the assises of the county, and after for bringing them up to the Castle of Dublin, againe sent his sone Sir Henry Spotswood to England, and there by James Carmichael, his Majestie's servant, had procured a grant of the forfeiture of these bonds for a small composition. His Majestie therefore required that present order should be given to his Attorney-General of that kingdome for resuming of this grant made to James Carmichael, and that the Lord Deputy should stay the execution thereof; and if James Carmichael should surrender his graunt, in that case the King declared his pleasure that James Carmichael should content himselfe with 600 lb. and the Lady Wimbes and her assignys should have what remained.

Immediately upon receipt of this lettre the Lord Deputy sent for the King's Attorney and the Lord Cheif Baron of the Exchequer, and desired them to take a course to see the King's desire fulfilled. But they showed his Lordship, that in regard of the judgement given before this lettre came, and that the Bishop had payed his money *bona fide* before, upon the warrand of the Great Seal of England, that,

now it was done, there was no helpe. When the Lord Deputy perceived his Majesty's lettre could not be satisfied for the recognisances, he laboured next how he might give Balfour content in the other points of the lettre. [He] called the Bishop therefor, and told him he would proceed no more in examining witnesses according to the commission above written; and whereas he had granted him a licence before to goe to England, now he countermanded it. The Lord Deputy at this time was yet more insensed against the Bishop upon a new accident. Thus it was. Sir Thomas Carie's letter to the Bishop's servants, and their answer to his lettre sent back to Mr Areskin, was delivered to the Lord Balfour. Balfour thereupon quarrelled with the Lord Deputy, that he should keep correspondence with the murtherers of a King's sheriff, and put them in hope of a pardon; and when the Lord Deputy denied he had consented to any such matter, he shewed him Sir Thomas Carie's lettre to the Bishop's servants, whereby the Lord Deputy grew more bitter than ever before against the Bishop. How this lettre came to the Lord Balfour's hands, the Bishop could never learn the certaintie. The Lord Balfour gave it out that Archibald Areskin, the Bishops son-in-law, drinking in a taverne, as usually he did, with Sir John Wishard and Captain Ramsey, when he was in drinke, he shewed them the lettre, and they took it from him. He himself would never acknowledge so much, but that he lost it negligently, and it might well be so. For an other time Mr Robert Boyle, the Lord Valencia's chaplain, in that same taverne found a lettre of Sir John Wishard's, that was to be sent to Dublin to Captain Ramsey, which, in regard it touched the Bishop's business in some sort, and that Sir John Wishard's disposition, who was a cheife author of the Bishop's troubles, may be conjectured att on the other part, it is here inserted, and followeth.

The coppie of a lettre written be Sir John Wishard to James Ramsey, commonly called Captain Ramsey.

"Noble Comerad!

"If I should have written to the Lord Clanawley,[1] it had

[1] Lord Balfour of Clanawly.

been but labour in vain, and my letter should have been unanswered and unregarded, for neither att the Lady Wimbes' downe coming, nor at the return of such as did accompanie his lady, nor at any time since his going to Dublin, hath he remembered me with one line, notwithstanding that he hath tyed me from my own occasions, to attend in a manner his pleasure, one only letter excepted, which he wrote unto me from the Cavan, signified, as it seemed to me, out of the subtil invention of his minions and my cold friend at Balturbett; for by it his Lordship did upon a sudden make a revolution of all our resolutions at parting. Comerad! the truth is, that my Lord did urge my overgoing into England, and to that effect did propound either the lifting of 100 lb., whereof I should have borne my share, howsoever things had fallen out, or else the adventuring to go with 60 lb., which he did assure me it behooved himself and Sir Thomas Roper to bestow upon some man, for prosecuting of a business of theirs with the Earle of Annandaill, which I might have followed together with the other business.

"Now, Sir, to be plain with you, my conceitt was that my Lord, out of his love to me, knoweing how necessarie it was for me to be in England, as also how fit an agent I could have been att Court in this busines betwixt him and the Bishop, did altogether intend to follow that course for my utilitie. But, Sir, as things have fallen out, I doubt I was mistaken, for it seemeth that Sir Stephen Butler, upon conference with my Lord, hath diswaded him from furthering my going into England, being desirous, as I know he is, to take all the advantages of me he can; and knowing that without I goe myselfe, things required of my wife[1] can hardly be performed. For the seconding of which opinion of mine, my Lord Balfour hath never to this houre showen unto me, or sent unto me, his awarde and Sir William Cole's; and for the managing of our other busines with the Bishop, he hath sent John Morgan, who can doe as much good at Court, or any where else, with those to whom my Lord hath written as my horse can doe, for causes knowne to me. But, Sir, let it please you, if you be persuaded that the countrey

[1] If we may believe the scandalous Scotstarvet, p. 145, this lady, the reputed daughter of the Laird of Carden, was his own sister. Of course he was, when he married her, ignorant of the fact.

lieth, in saying that my Lord and the Bishop doe understand one ane other (that shall goe) in this business too well, to offer to my Lord, that if he will be as yet contented to lend me 50 or 60 pound, I will, with all hast, goe over, and if I shall not more vex the Bishop than any other that shall goe, then shall I bear the burthen of the best part of the money; if none of those can prevail, then let my Lord doe the honour to me as to give his word for what is owing at our lodgeing, and let Michael be sent unto me at what time I shall expect you, and I shall disengage my Lord of his word to Mr Offerell with all expedition. All these things I remitt to your discretion, desiring to hear from you of all occurrences; but, above all, to hasten yourself hither with all convenience to this place, which, togethir with your whole acquaintance, and many others more, doth mourne for your absence exceedingly. If Michael cannot, for causes, *et cetera*, be dispatched, yet at least let the nagg he hath be sent home againe, with my new cloaths and whole baggage, with this bearer; and, if need be, let this little nagg remain in his place; if otherways, let all come togethir. I dare not say anything confidently, but I hope, within a few weeks, to make a shift that you and I shall be in England, though poorly, for helping whereof, be earnest to bring out the Lord Clanawley's 50 or 60 lb. Then we shall be rich enough. Excuse the rather Cockaland, then the letter from him who careth not how disformall his pen's expression be to you, to whom he is a most faithfull servant.—*Maghervillech*, 17th January 1626. *Sic subscribitur*, JOHN WISHARD.[1] Postscript.—Let none see this letter but yourself. Salute from me the Lady Clanawley, Mrs Weston, Mistress Offerrell, and Mrs Offerrell, the Tapster's wife, *et cetera;* but not Mary Williamson."

It is almost incredible what indignities were offered to the Bishop att this time, some by supposed friends, to whom the Bishop had been a great benefactor, some by his tennants, some by servants and neighbours, who thought

[1] This Sir John Wishart seems to have been the prototype of Captain *Craigengelt*, and as Sir Walter Scott had been much amused with his friend Sir Alexander Boswell's publication of Bishop Spottiswoode's Memoirs, it is not improbable that he may have had Sir John in view when he sketched that inimitable braggart.

he was brought so low he could never rise again. His adversaries insulted over him, and his best friends looked on. The adversaries were so countenanced by most of them in authority, that he began to fear his innocency should be oppressed. He betooke himselfe, therefore, to his only refuge, the God of all comfort, who never forsaketh them that call upon Him in truthe. About the beginning of harvest, the Bishop was informed that the Lady Wimbes was returned out of England with a new lettre, differing little in effect from the former; and, soon after, he was advertised that a writ was come downe to the Sheriff of Fermanagh, out of the King's Bench, commanding him to bring up a jury of sufficient men, to serve the King in his chief place the second day of the next terme. The Lady Wimbes seconded this lettre with her own lettre to the Sheriff, requesting his favour in summonding them who should be jurors, wherein neither High Sheriff nor Under Sheriff were wanting to her. The day did advance on apace that the jurors were to appear at Dublin, and the Bishop had severall advices given him, by such as professed themselves to be his friends. Some, and none of the meanest, counselled him to take his waye to the King, and there to beg justice, and a more indifferent hearing; others thought this a dangerous course, and might prejudge his cause, the King being sinisterly possessed of his proceedings. But he himself would no ways hearken to them that perswaded him to depart the countrey, partly in regard to his first promise made to the Lord Deputy and Counsell, that he would not depart the countrey; partly in regard of his first promise; and partly to avoid the slander which the shunning of his tryall might bring with it. Rejecting, then, all those motions, he resolved patiently to abide the worst, and to stay at Clogher, till he heard further of the adversaries' proceedings at Dublin.

The day appointed for the Jury of Fermanagh, their appearance at the King's Bench, was the sixth of November; but they were not sworne, nor had their charge given them, till the fifteenth day, for some of them sickened, and died by the way. One that was very forward to doe the Lord Balfour service, was stabbed in ane ale-house in Dublin, and the Bishop's adversaries made no haste, but tooke time to worke upon the Jurie. The jurors were most pairt yeomen, some British,

some Irish, some Papists, some Protestants, not above three or four of them known to the Bishop, or any followed him, but had either relation to the Lord Balfour, or to the Archdeacon, and were obnoxious to them. Att last 13 of those were sworn. Then began the King's Attorney, with open mouthe, to press the accusation; and for proof thereof, brought forth the testimonies of these witnesses [who] were examined of before, by the Lord Deputy and the nine Commissioners. Some of those witnesses were so partial with Balfour, and so malitious against the Bishop, and their testimonies, so disagreeing one with another, that the Commissioners gave no credit to them, were sealed up, and the Bishop assured there should no use be made of them till his witnesses were examined also. Yet these testimonies were now produced in judgement, were urged and aggravat by the King's learned Counsell, to the Bishop's disgrace, and no small disadvantage of his house; but God, who hath the hearts of all men in his disposition, did so direct both Judges and Jurors, that they weighed the evidences, considered the qualities of the witnesses, examined all circumstances, and canvassed the accusation againe and againe. Then, after two days consultation, returned their verdict, *ignoramus*. This was the Lord's doings, who, as the Lord Primat,[1] upon the hearing thereof uttered—*Corvos delusit hiantes.*

The Bishop rendered humble thanks unto God, who had so mightilie disappointed his adversaries. They, on the other part, who thought they had made all cock-sure, raged and railled both against Judges and Jurors, and petitioned to the Deputy to have them all punished. Some, who had sent over their agent to Court to beg and bribe for the Bishoprick, hung their heads. Even they, who all the while had done the Bishop the worst offices, came to him, and would have perswaded him that by their means the Jury was possessed of the truthe. Baron Loather, for all this, was still the same man. He dealt with one Joseph Walter to doe Balfour good service; but when he agreed with the rest of the Jury to clear the Bishop, he sent a message to his brother by George Caton, a clothier—"Tell my brother Captaine Loather,"[2] said he, "that Joseph is a very knave."

[1] Usher, who succeeded Hampton.

[2] Hugh, a Captain on the voyage to Portugal, was also Captain in the

The Bishop, in Christmas time, was advertised that the Lord Balfour and his daughter were preparing for their journey to England, and resolved to importune the King with outcrys, whereupon he went to Dublin himself, got licence of the Lord Deputy with much adoe, and tooke shipping for England; so came to London about the latter end of Januarie. The King, in the meantime, being wearied with some of the Bishop's countreymen, their begging of the Bishoprick of Clogher, whom they alleged to have been found guilty of all whereof he was accused, his Majestie wrote to the Lord Deputy, to cause the Cheif Justice and the other Judges of the cheif place, to send him true information of all the proceedings in the Bishop's cause. The Judges, according to the King's direction, returned their certificat about the beginning of Februarie, wherein they made knowne that a Grand Jury of the county of Fermanagh had appeared before them, and enquired whether the Bishop of Clogher were guilty in procuring his servants to murther Sir John Wimbes; and whether, after committing of that murther, the said Bishop, having notice of the fact, did receave, harbour, and relieve, the malefactors. That this Grand Jury, having consulted long upon the evidence, and findeing it not sufficient, had returned their verdict of ignoramus. This letter was subscribed by the Lord Cheif Justice, Sir Christopher Sybthorpe, and Sir Edward Harrys.

The Bishop had now sought to have access to the King, and finding that grace and favour, he complained to his Majestie of his unjust vexation, and the malice of his adversaries had been so clamorous to have justice done them, and begged that he might have justice of a sort of wicked men who had conspired to take away his life. The King graciously answered—That his adversaries had been so clamorous to have justice done them, that he could not otherways but give way unto them; that he was well pleased the Bishop was cleared by law, and assured him, as they had taken what the law could give them against him, he should have the like against them. With this gracious answer the Bishop was

time of King James, in Ireland. He died at the fort in Lowther's Town, so called from his brother, Sir Gerard, being the possessor thereof, and causing a town to be built there. See Brydges' edition of Collins, vol. v. p. 700.

fully satisfied, and soon after petitioned to his Majestie that he would appoint some of his Honourable Privy Counsell, or of his Judges, to hear his complaint, and to certify his Majestie what they should find. Balfour and his daughter all the while laboured with the Bishop's servants and their friends to get them to say somewhat [which] might trench on the Bishop; to which effect they argued thus—Your master the Bishop he left nothing undone in his power to bring you to the gallows; he hateth you in regard of the loss he hath had by you; he cannot, though he were willing, procure you a pardon; but will you set the saddle upon the right horse (thus Balfour stiled the false accusation he intised them unto), you shall have a pardon procured for you, and be reconciled to Sir John Wimbes' friends?

The Bishop, being informed of this traffique by his servants, he put up a second petition to his Majestie, showing that he had undergone severall tryalls, wherein all that could be invented against him could not make any accusations so much as probable; that his Majesty's Judges of chief place had certified so much; that his adversaries continued their malitious courses to subborn false witnesses, and to entice his own servants, the actors in that unhappy accident, by faire promises to accuse their master; that his Majestie would therefore be pleased to command any course to be taken that might trie his innocencie, and wipe away these assertions, whereby his calling and religion itself was wounded through his side; that as Solomon, 25 Proverbs 2, it was the honour of a king to search out a thing, by which doeing Solomon got himself at first both to be loved and feared, 1 Kings, 3 chap. 39 verse; he therefore humbly prayed his Majesty to appoint any indifferent men to put his tedious vexation to some point, that he might serve God and his Majestie in his holy vocation.

Upon this the Bishop's second petition, his Majesty appointed the Earl of Monteith[1] and Sir Archbald Ache-

[1] This was the celebrated Earl, whose unguarded exclamation that he had the "reddest blood in Scotland," afforded his adversaries the means of ensnring his downfall. His representation of David, Earl of Strathern, the son of Robert II. and Euphemia Ross, was undoubted; but in those days the real facts relative to the two marriages of Robert II. were not known, and hence the ear of Charles I. was poisoned with insinuations that the Earl

son,[1] one of his Scottish secretaries, to doe their diligence to quiet both parties. But Sir Archbald, not caring what charge the Bishop was put to, so [as] his own cousins the Bishop's servants might be redeemed and have their pardons, he pressed the Bishop with giving to the lady the third of his estate, and soumes of money beside. For which his unreasonable demand the Bishop appealed from him againe to the King, and so had the Viscount of Duplin,[2] Chancellor of Scotland, the Viscount of Ely, Chancellor of Ireland, and the Viscount of Connowaye, Chief Secretarie of England,[3] appointed to be Commissioners to hear the complaint of both parties, and determine what were fittest to be done therein, avoweing whatsoever they concluded should stand firme. These three Noblemen, by the King's direction, called both parties before them, and after long hearing, at last they urged the Bishop, in regard of the Lady Wimbes' poverty, and the misery of her childering, for whom their father had left neither lands nor goods, that he would give

might avail himself of his descent, prejudicially to his Majesty's right and interest.

[1] This person was proprietor of the estate of Gosford in the county of Haddington, now belonging to the Earl of Wemyss. It was originally called the *Guise-foord*, or ford, through which the geese were wont to pass. Sir Archibald, according to Scotstarvet (Staggering State p. 74), had "four hundred pounds sterling in Ireland of the Earl of Tyrone's lands. His eldest son was of great expectation, having married a rich heiress in England. She died the first year of the marriage without issue. Of his second wife, Sir William Hamilton's daughter, he had but one son George; but his mother turned Papist after Sir Archibald's death, and said she ventured her soul for an 'Achison.' He died of a pestilential fever; and it is *thought* his son George shall get nothing of that estate, it being all destroyed by war in the late troubles." Scotstarvet *thought* wrong, for the estate *was* preserved, and the descendants of Sir Archibald became Barons, Viscounts, and Earls of Gosford.

[2] Sir George Hay of Netherlieff. He was son of the "Baillie of Arrol," and was bred at Douay with his uncle Edmund, a Jesuit. According to Scotstarvet (p. 19), "by moyen of the Popish faction in England, he was advanced to the said dignities in State, hoping that way to have him their friend when they should be troubled for religion, being in that kingdom. He had little or no learning, yet had he conquest a good estate, and procured the same to be erected by his Majesty into an Earldom." The Earl of Kinnoull and Viscount Dupplin died 25th November 1634.

[3] Sir Edward Conway, created, 22d March 1624, Baron Conway of Ragley in the county of Warwick, advanced to the Irish Viscounty of Kiltullagh in 1626, and in the same year to the English Viscounty of Conway of Conway Castle. He died in 1630.

them some reliefe. The Bishop excepted against their proposition, that the giveing of any thing, were it never so little, would be scandalous, and interpreted a composition and satisfaction of some guilt on his part. But the Commissioners, in one voice, tooke in hand to provide well enough for that, and so proceeded and concluded upon ane order, namely, that the Bishop should give the lady within ten days after the publication of their ordre a hundred pounds in hand, and fiftie pounds clear rent to her and her childering for fiftie years at least; she, againe, should give security that herself nor any other should prosecute the Bishop, or any [who] had relation to him, for her husband's death.

The Commissioners, after they had thus ordered the business, they acquaint the King with their order, and had it confirmed by his Majesty, but agreed amongst themselves not to acquaint the Bishop nor the Lady with the particulars what they had ordered, till they should enter into two thousand pounds a-piece to abide the ordre. The Bishop put off from day to day to enter such bonds, hopeing in the mean time to learn the contents of their ordre before he would be bound; and particularly he protested he was not able to pay any ready money, being farre from home, and his means exhausted by the great sums of money he had payed for his servants, in which he was bound for their appearance, when they shunned their tryall. To this it was replied by the Commissioners—That whatsoever they had ordered, yet they would perswade the Lady to accept of some little money on this side, and of the rest in Ireland. But still they urged him to enter bonds, for such, said they, is his Majesty's pleasure. His Majesty, declaring his pleasure to be such, the Bishop he agreed to enter into the said bond, which he had no sooner done but the order was published, and copies thereof sent to both parties; and the next day thereafter, the Lord Chancellour of Ireland sent for the Bishop to come to his lodgings. When he came thither, the Lady was there before him. Here both parties grumbled at the ordre. The Bishop in good earnest offered to deliver back her bond to be cancelled, so she would doe the like, and give up his; but she had no such thought, but called for the hundred pounds ordered her. It seemeth this was the errand for which the Chancellor of Ireland sent for the

Bishop. The Bishop fearing to incurre the forfeiture of 2000 lb. and having so much gold about him, he payed it downe. The Bishop he would now have taken leave of his Majesty, and so returned to Ireland, but was forced to stay till he got new supplies of money. The Lady Wimbes she continued also at Court, seeking a further recompence for the loss of her husband, who was killed, as she now alleged, whilst he was doeing his Majesty's service. When she had got what could be gotten, she returned to Ireland.

Soon after divers Noblemen, and some of his Majestie's officers att Court, haveing fully informed his Majesty of the manner how Sir John Wimbes was killed, and that withall what the Bishop's servants had done they were forced to it, and was done in their own defence, they implored his Majesty's grace and pardon for them, which was strongly crossed a long time by Sir John Wishard, David Ramsey, and others, the Lord Balfour's complices ; yet his Majesty, notwithstanding of all their opposition, was at last moved with compassion, and the pardon was granted, with which the Bishop's servants returned to Ireland and pleaded it at the King's Bench.

By this time the Bishop of Clogher was also returned to Ireland, and no sooner come, but the Lord Chancellour called to him the Lord Cheif Justice, and the Lord Angiers, who were by the King's ordre all three appointed to see the lady secured, and her childering after, of the 50 lb. per annum for fifty years. These three Lords warned the Bishop and the Lady Wimbes to appear before them, and in end ordered the Bishop to give the lady a list of such lands as were worth 50 pounds by year. The Bishop made her diverse offers of lands both in the county of Monaghan and Fermanagh, but none of them would be accepted. At last, after eight weeks attendance, these Lords ordered her to accept of some lands in the county of Tyrone offered her by the Bishop, providing they were found in value worth 50 lb. per annum, for tryall whereof a commission was sent forth out of the High Court of Chancerie, and directed to the Lord Cawfield,[1] Sir Andrew Stewart,[2] Sir Henry Titch-

[1] Sir Toby Caulfield, an Englishman, created in 1620 Baron Caulfield of Charlemont in Ireland.

[2] Sir Andrew, eldest son and afterwards successor of Sir Andrew,

bourne,[1] and other two justices of peace, who called the tenants of the lands before them at Agher, and examined them upon oath of the value of the lands, which they found to be better than 50 lbs. yearly, so certified the Lord Chancellour thereof. But he, as it seemeth, resolved to do the Lord Balfour and his daughter some extraordinarie kindness. He pressed the Bishop to submit himself to what ordre himself, the Lord Angiers, and the Lord Chief Justice, should agree upon. The Bishop, trusting they would not exceed what was before ordered and confirmed by the King, he consented to abide their ordre ; so the Lord Chancellour, with the other Commissioners who were at his devotion, ordered the Bishop to give the lady 40 pounds in readie money toward her charges, and add to the former lands valued as aforesaid at 50 lb. two tounes more. And whereas the lease was to be lett by the King's ordre for 50 years, they ordered him to let these lands for 60 yeares.

At which order, when the Bishop began to refuse, the Lord Chancellour threatened him if he would not obey, he would certifie the King that all the fault was in the Bishop. The Bishop, wearie of troubles, loseing his time and wasting his estate at Dublin, he yielded at last, and gave the lady a lease of all these lands ordered by the Lord Chancellor for 60 years, which were then worth 70 lb. per annum, but improved afterwards above a hundred pounds a year. He payed also the 40 lb. ordered her ; and now having obeyed the King's ordre to the full, and much more, he desired the Lord Chancellour and the Lord Angiers their testimony that he had fulfilled the King's ordre ; but they delayed him so long that he was forced to returne home to Clogher without it, and had not rested there long, but a missive letter came to him from the Chancellour againe. Here it was alleged that the Bishop's sone, and some other tenants, had leases formerly of those lands, and therefore he was required to

originally Lord Oehiltree in Seotland, which title he resigned in 1615, when it was eonferred on his cousin Sir James Stewart, son of the famous, or rather infamous, James Stewart, Earl of Arran. The *ci-devant* Lord Ochiltree was ereated Baron of Castle-Stewart, in the county of Tyrone, 7th November 1619, and died in 1632 ; whereon the individual mentioned in the text suceeeded, but did not long survive his father, as he died in 1639.

[1] Governor of Drogheda, one of the Lord Justiees in 1643.

gett all their releases and enter bonds, for the securitie for that lease granted to the ladie. The Bishop satisfied them in this point also, and so renewed his suite for the Commissioners' testimony that he had fulfilled the King's ordre, which with much adoe he obtained.

Now, he supposed he had done with his adversaries for ever; but his adversaries were restless, and so found out a new clause upon this occasion. One Captain James Mervin[1] carrousing with the Lord Balfour, gave out that two of the towne lands leased by the Bishop of Clogher to his daughter was his heritage. Upon this report the lady ran to the Lord Chancellour, and had ane other letter missive to she Bishop. When he came upon that lettre to Dublin, the Lord Chancellour was very brief with him, [and] accused him of ill dealing that would lett lands to the lady which were questionable. The Bishop then replied, that the lands were found by the distinguishing office to be the Bishop of Clogher's heritage, and that his predecessors and himself had been in peaceable possession of them above 27 years, and that it was time to complain when they were evicted from him. This was all that was done that journey. But soon after Captain Mervin brought down a commission to enquire what lands belonged to the Earle of Castlehavin's[2] proportions in the Barony of Oneigh, and so handled the business with the Irishes and natives which had relation to him, that they sware home both for these two town lands he claimed of the Bishop, and many more towns claimed by him of others. Now were the Lord Balfour, and the lady his daughter, glad to have this occasion to trouble the Bishop, and bring him again to Dublin. So the Lord Chancellour sent ane other missive letter to call him up. Then was there no remedie but either to reduce the Captain's office, or buy Captain

[1] This person was evidently connected with the notorious Lord Castlehaven whose mother was a daughter of Sir George Mervin of Fonthill, Wilts. This estate was inherited by her son, and upon his attainder, it was gifted to Sir Francis afterwards Lord Cottington. It latterly became the property of the patriotic William Beckford, Esq., and upon his demise it fell to the author of Vathek, who sold it.

[2] This was Mervin Earl of Castlehaven, the worthy who was capitally punished in the reign of Charles I., 14th May 1631. His son was restored to the Earldom, which, from the failure of male heirs, is now extinct. The English Barony of Audley, being a Barony in fee, however, still exists.

Mervin his pretended right. The Bishop choise that which was least troublesome, though the other might have been done with less cost; so bought Captain Mervin's right of these terms, and annexed them to the Bishoprick for ever, and leased them to the lady, for which the Captain had above fowerscore pounds. The Lord Chancellour, for all this, not contented that these same lands were anewe secured to the lady, he ordered the Bishop to pay her twentie pounds for her charges, though all this while she kept house with her father in Dublin. Thus did the Lord Chancellour make the Bishop of Clogher dance attendance two years. And whereas, both by the King's ordre, and the lady's own consent, the Bishop might have chosen to have given the lady and her childering six hundred pounds in hand, or the lease of 50 lb. for 50 years, the Lord Chancellour, what by fair, what by foule means, he forced him to pay seven score pounds ready money above the hundred pounds paid in London, and to secure the lady of lands worthe ane hundred pounds yearlie for 60 years.

While the Bishop of Clogher was thus tumbled up and down by Balfour and his daughter, Malcolm Hamilton, Archbishop of Cashell, departed this life, and soon after the Bishop of Clogher was advertised from Court, that his Majesty's pleasure was to translate him from Clogher to Cashell, and where want of means might fear him to accept thereof, he was assured to have commendams, which should enable him to maintain the dignitie. This his Majestie's pleasure was no sooner divulged, but the Bishop of Clogher had many persuasions of those who hoped to succeed him to accept of the offer. The cheif solicitors were the Dean of Rapho Mr Adare,[1] and the Archdeacon of Clogher.[2] The Bishop of Clogher preferred his Archdeacon to the other, notwithstanding he did know him to be but a small friend in his troubles, and had a twofold reason for doeing so. For first, when he was in England, and the Archbishoprick of Tuam in Connaught fell voide,[3] and the Bishop of Clogher,

[1] Archibald Adair, afterwards (in 1630) Bishop of Killala.

[2] James Higate. He is said by Ware to have been a native of Glasgow. He succeeded to the Bishopric of Kilfenora in 1630, and died in April 1638. He was succeeded by Robert Sibthorp, probably some relative of the Chief Justice.

[3] By the death of Randolph Barlow, Dean of Christ Church.

by the Duke of Buckingham's means, had the grant of it, and his own in commendham, and after the Duke's death[1] the Bishop's letter for it was stopt by them [who] were about the King, and had power to doe it, which they professed they did not for any ill will to the Bishop of Clogher, but for the good of the Church; adding withall, that so long as they were in credit, they would oppose both multiplicity of Bishopricks, and granting commendhams of Deanries to any that should be preferred to be Bishop or Archbishop. In this regard there was no hope to have the Deanrie of Raphoe in commendham.

Againe, the Archdeacon of Clogher had benefices worth fower hundred pound per annum, which by his preferment to Clogher would have been a good augmentation to the Archbishoprick getting them in commendham; but the Bishop of Clogher his chief reason was, his Archdeacon, in that case he should succeed him in his Bishoprick, took in hand to satisfy the Lady Wimbes, and get her discharge to him of all conditions he was obliged unto by the King's ordre. To this effect the Bishop of Clogher and his Archdeacon appointed to meet at Dublin, where the Lady Wimbes and her father kept [house?] together. The Archdeacon came to Dublin first, and before the day appointed, so agreed with the Lady in words before the Bishop came to the towne,—wherewith Balfour was no sooner acquainted, but he disswaded both the Archdeacon and his daughter, laying before the Archdeacon his great hazard,—men being mortal, and that he might die before he got so much of the Bishoprick as would pay his daughter, and redeem his land; but his chief perswading argument was, that he himself could get him the Bishoprick of Clogher without any such charge, if he would follow his advice, as thus—"The Bishop of Clogher," said he, "must remove, and I will use my credit to have him translated. If you, then Archdeacon, can follow the business quickly, I will make you some good friends; I and my daughter will make sure the Bishop of Clogher shall not have licence to goe for England. We will make him worke enough here. Get you only lettres of recommendation from the Lord Primat, and what other you can purchase, and haste you away."

[1] Saturday, 23d of August 1628.

This counsell was embraced with no good success, for though the Archdeacon had the Lord Primat's lettres, and the Lord Balfour's also, and the Bishop of Clogher commending him to divers his friends, yet the Bishop of Clogher his excusing himself to his Majesty that he could not bear out such a dignity, and praying his Majestie he might continue where he was, disappointed all Balfour's projects. And the Bishop of Clogher, though he should have gained more honour and profit too by the change, yet he was provoked so by the Lord Balfour's speeches, who bragged that he should be his Bishop no more, and by the Archdeacon's double dealings in running one course with him, that he resolved to cross them, though he should be a looser himself. Dr Hamilton, Bishop of Killaley in Connaught, who lay at Court all this while making friends for Cashell, upon the Bishop of Clogher's refusal, obtained Cashell, and the Archdeacon accepted of a poore Bishoprick, no more worth than a hundred pounds by year, called Kilfanor,[1] to his own great detriment, and the more hurt of his childering, as it fell out.

The Bishop of Clogher had now begun to settle himself at Clogher in the county of Tyrone, which was of old ane ancient cittie, decor'd with two churches, and a great number of inhabitants, but in the late warrs was utterly ruined, the churches undermynded and fired, the Bishop and the Abbot and Channon's houses were demolished; and att the Bishop's coming to dwell there in anno 1628, there were no more then some ten or twelve poor people dwelling in cottages patched up with streas and watles. The Bishop therefor sett himself altogether to build a house for himself, to repair the Church, to build ane inne, stables, barnes, keill,[2] milne, and the like, and to encourage others to build with him; so with much adoe obtained his Majesty's lettres to lett 200 acres in fee farme, and he did accordinglie lett the 200 acres to 16 severall men, who were bound to build English houses and plant orchards, &c. This grant of the 200 acres, according to a patent passed upon the King's lettre, was cross'd in a two-fold manner; first, by Sir James Areskine, who could not abide Clogher to be repaired, fearing it would be the decaye of his towne Agher. He did

[1] Kilferona. [2] Kiln.

therfor call the Bishop's new patent in question, and vowed if the Bishop kept fairs and markets according to his patent he would doe wonders, and amongst other revenges he would disinherit his sone, who had married the Bishop's daughter, and was to succeed to all his lands. On the other side, the Archdeacon, now Bishop of Kilfanor, though he had given his consent to the letting of those fee-farms, and put to the Chapter's seal to them, the keeping whereof he had usurped by the Dean of Clogher's negligence, yet without ever shewing any mislike to the Bishop of Clogher, he wrote to the Bishop of London, and other the Commissioners of the Irish affairs, that the Bishop of Clogher, letting his fee-farms, had not left the next successor so much roome as whereon to build a house or plant ane orchard.

Upon which information letters came from England to the Lord Chancellour and the Earle of Corke,[1] then Lords Justices of Ireland, to examine the Bishop of Clogher's proceeding therein. The Bishop averred that what he had done was done according to his Majestie and the Commissioners for Ireland their own licence—that all tended to the plantation and good of the countrey—that it was not fit a Bishop should be hampered amongst mechanicks in the towne of Clogher—that he had divers towne lands adjacent and laying contigue far more fitt to build upon, but that himself was always of opinion that the Bishop haveing fairer lands upon Lough Earn, in a better countrey, that a house should be built there next to Inniskillinge for all succeeding Bishops. Yet such was the slander of setting these fee-farms, which the Bishop had let according to his patent and of a good intention, that to stoppe their mouths who exclaimed thereon, he gave content to them to whom they were lett and were begun to build thereon ; so were they all surrendered again.

In this mean time the Justices were discharged to medle with any business, and the new Deputy, Viscount Wentworth,[2] was daily expected. He came over about that same time when the King was crowned in Scotland. The Bishop of Clogher was in Scotland at that time, and in his journey thither was greivously hurt by the fall of his horse with

[1] The well known Richard Boyle, created Earl of Cork in 1620.

[2] Afterwards Earl of Strafford.

him, so could not come to tender his service to the Lord Deputy so soon as others did. His adversaries tooke this advantage, and after they had insinuate themselves with the Deputy and his followers, they loaded the Bishop with calumnies. The cheif was the delapidation of his Bishoprick, and taking bribes for conferring benefices upon clerks; the cheif informers, and most malicious prosecutors, were Sir James Areskine, and his gossip the Dean of Downe, Henry Leslie,[1] who had longed a great while to be Bishop of Clogher. To this effect they hired one Henry Jones, who had been a stewart of the Bishop's house, to accuse his Lord of symonie. This fellow was a Welshman born, and trusted with the government of the Bishop's house, in which service he proved so treacherous, that the Bishop was forced to turne him away. This fellow being malcontent, and now wanting means, and without service, he played upon the simplicity of one George Cottinghame, chaplain to the Lord Valencia, on whom, at his Lord's and Lady's requeists, the Bishop had bestowed the personage of Monaghan. Some three or fower months after the Bishop had bestowed the benefice upon him, and had receaved thanks from the Lady Valencia, then in England, and from the Lord Cheif Baron, in whose house the said Cottinghame had lived, this Cottinghame, seeing one of the Bishop's servants horse lame, he would needs bestow his own nagg upon the Bishop, least his servant should lay behinde in Dublin. This the said Jones would have to be a brybe, and threatened Cottingham to accuse him thereof. Cottinghame, in simplicity, haveing got a good benefice, he accompted it a small thing, gave the fellow money now and then to supply his wants, whereby the drunken fellow Jones was so flesht, that he gave out to his drunken companions he could never want money so long as Cottinghame liv'd. These speeches comeing to Sir James Areskine and the Dean of Doune their hearings, they concluded, if Cottinghame were guilty of symonie, the Bishop could not be free; so they dealt with him to accuse Cottinghame. Then was Cottinghame called in question, and examined by Sir George Batliffe,[2] ane Attorney for the King in the North of England, but now knighted by the Lord

[1] Afterwards Bishop of Down and Connor, subsequently translated to Meath. He was a Scotsman.

[2] Ratcliffe.

Deputy and a Privy Counsellour. The Bishop being come to Dublin, and informed of all these doings, he apprehended himself to be wounded through Cottinghame's sides, and therefore would have better informed Sir George Batliffe of the truthe, and his dishonestie who was the accuser; but Sir George was very peremptorie, alleging that Henry Jones' testimonie would serve the turne to deprive Cottinghame of his benefice, and the Bishop of his Bishoprick. The Bishop was inured this year by past to endure insolent speeches, and therefor passed by Sir George's unbeseeming words. In the meantime Henry Jones was accused of divers forgeries both from England and in Ireland, confessed that there was 200 lb. offered him if his accusations of Cottinghame should prevaile, so fell sick, and died miserablie.

Thus was the Bishop of Clogher his accusations of symonie att ane end. Yet the Lord Deputy was not satisfied touching the other point, the dilapidations of his Bishoprick; whereupon he resorted to the Lord Deputy, and one day, when the Lord Deputy told him that he heard ill, the Bishop answered that he knew so much himself, and was not ashamed of it, yea, that he glorified in it, *male audire ex malis*. He acknowledged that he was hated of divers of his countreymen, and namely, of the Lord Balfour and Sir James Areskine, and divers other of his countreymen had sold themselves to work all wickednesse, and were great oppressors of their neighbours—that for his zeal to the Church and free schools, and his relief to his power of them that were wronged, was therefore hated of them, and for this cause they had stirred up some ambitious men, such as were greedie of preferment, to detract him, and if they could find cause, to invade his estate; but now he rejoiced that his Majestie had set such a Governour over them all, who would ere long know himself better, and his adversaries too, and what everie one was in their place.

Soon after this the Lord Balfour was complained of by most of his neighbours, and there came so many and so dangerous complaints against him, that he shunned his tryall, and got him over to England to seek a pardon, where after he had made away all his estate to make friends, he died. Sir James Areskine also perceaving he prevailed nothing by clampering with the Bishop of Clogher, he

desired to be reconciled to the Bishop, and soon after died at Dublin, where the Bishop of Clogher was requested by his sone and other friends to make his funeral sermon, and did (so) accordingly. The Dean of Downe was by this time preferred to be Bishop of Downe, and one day in the Castle of Dublin, after some privat discourse, prayed the Bishop of Clogher, that now being brothers, the law of *amnestia* might take place between them. The Bishop of Kilfanor, Archdeacon of Clogher, he died also.

Now after many troubles the Bishop of Clogher he began to find rest, and did dayly aumend in his worldly estate, for by the Lord Deputy's favour, who was to the Church of Ireland more than a father, the northern Bishops of Ulster of the escheated counties had licence to let new leases for 60 years, so had their rents doubled. Now had the Bishop got eight or nine towne lands laying contigue to his new house in Clogher, which he destined to be a perpetual demeasnes for his succeeding Bishops, and got an Act of Estate past thereon. He recovered also other lands his predecessor Bishop Montgomerie was never in possession of, as namely, the isle of Devenishe, from the Lord Hastings, the greatest part of the island Inishmore from Sir Ralph Goore, Baronett, the lands of Ternomgrathe from James Magrath, the towne land of Rakerin from Sir Arthure Leygh, the quarter of Drumkennadagh from Art. O'Neill, which, though the now Bishop of Clogher hath leased to the old possessors for 80 lb. yearly, yet may be worth five hundred pounds per annum when the leases are expired. The most part also of all the rest of the tennants surrendered their old leases, and took new, doubling their rents, so that att this same time the Bishoprick is worth 1500 lb. yearly. He hath also 400 lb. per annum of his own purchase, and his wife her dower, which soumes he doth not hoord up, nor yet doth spend idely, but keepeth an honourable house, and setteth many poor men in worke, liveth contentedly and pleasantly with a religious and vertuous gentlewoman of good estimation, by whom in his old age he hath a sone named James, and two daughters, Elizabeth and Marie, all hopefull childering. Thus he is daily prepareing for his dissolution, and praying it might be to God's glory and his own everlasting happiness. Amen.

ADDENDA.

But while the theatre of this world lasteth, there will be still new tragedies played upon it. Behold, then, all the three kingdoms, first Scotland, next England, and last of all Ireland, in a fearfull combustion in a very short time. The fire began thus: The Church of Scotland having no sett forme of Liturgie, the King, with advice of some of his Bishops, he enjoyned a sett forme of Divine Service to be printed, not much differing in any substantial poient from the Service-Book used in England; and set forth proclamation that uniformity should be kept accordingly throughout that kingdome. This being done with more haste than good speed, without consent of the Presbytries, the Presbyterians underhand stirred up the people to distaste the Booke, and to oppose themselves to such as should offer to obey the proclamation. Then was there nothing heard but murmuring in privat and railing in public, crying out that religion was betrayed, and an English Mess brought in; that the Bishops were the doers thereof, and glad now to get the occasion to make that ordre of Churchmen odious, who were now too much countenanced, as they thought, by the King. The Presbyteries they feared that Bishops by time would divest them of their authority; those of the Nobility hearkning again whose estates was made up by the spoile of the Church, they feared also that their estats might be in danger, if Bishops were in such authority and credit; so resolution was again taken to cry downe both the Booke of Divine Service, and the function of Bishops too. To this effect schambs, slanders, and lyes are broached, the weaker sex and ignorant people encouraged to offer violence to the Reverend Fathers of the Church, or whosoever would read that Divine Service prescrived; and thus was the fire kindled by seditious preachers, which the King went about to quench by edicts and proclamations, but the seeds of sedition had taken so deep root, that no proclamation would now serve the turne. There were still protestations put up to enervatt all proclamations. Thus was soveraigne authority baffled, and the King forced to raise ane army to bring that kingdome to obedience; for under colour of covenanting to defend religion, they persuaded most men to subscrive with them

to keep fast together and defend one ane other, and who refused to enter into this unlawfull covenant were forced to it, or els robbed of all their estate ;—so seased on the King's castles, his revenues, and multiplied their conventicles from time to time. The King raised ane army in England, and marched as far as the Borders to chastise these rebels, who although he had pain[1] enough, with the help of his good subjects in Scotland, to have broak the neck of their Covenant, yet was the King so tractable, that he was overruled with the advice of some Noblemen and Councellours, who regarded their own particulars more than his honour, to pardon what was past, upon promise of forbearing of such violent courses in time to come, and liveing orderly thereafter in their wonted obedience to the laws. Upon these promises the King returned to England, without any effect of bringing ane army so far on with so great coast, whereby the Covenanters' incivility increasing, new complaints were brought daily to the King, by particular men whom they oppressed both before and after this pacification. Hereupon the King was pleased the next year to raise ane other army in England, and to send the Marquiss of Hamiltoun to sea with a part thereof, to hinder the Scots from all sorts of trafficke.

It was concluded also, that ane army should be raised in Ireland of ten thousand, and for the maintenance of both armies, that a Parliament should be summon'd in England, and ane other in Ireland. The Earle of Strafford, Lord Livetenant of Ireland, he hasted the Parliament in Ireland, and so handled the matter, that to these warres they contribut more subsidies then the countrey could well bear, which was gathered in all haste, and ane army of ten thousand men raised and directed to march to the north-east of Ireland, right against Scotland. These were in readiness at a call; but behold the Scots, in the meantime, bracke in, in England tooke Newcastle-upone-Tyne, and seased themselves in Northumberland and Durham without any great opposition. The Parliament of England was so far from discontent, that they commanded the Scots to continue where they had settled themselves, and bound themselves to pay large soumes of money for their brotherly assistance of their privileges in Parliament, and prosecuting the Earle of

[1] *Power* in Sir A. Boswell's edition.

Strafford, who was accused of subverting the fundamental laws of the kingdome, and labouring by all his skill to sett the two kingdomes att odds. A command came over from England to dissolve the army in Ireland, which was no sooner done, but the Parliament of Ireland sent over agents to the King and Parliament in England, with commission to charge the Earl of Strafford, that he had governed them tyranicallie, and he had wronged the kingdome in many particulars. Both Parliaments and the Scots, their commissioners, prosecut the Earle of Strafford so eagerlie, that there was found a law and a necessitie he should be put to death.

In the mean time, the Parliament of England, following the patern begun in Scotland, they prevailed to have many things of great importance in the Government of England altered in time to come, as namely, the taking away the Bishops' votes out of the Lords' House in Parliament, calling their Trienniall Parliaments without acquainting the King withall, takeing away the Starre Chamber and High Commission Courts, regulating the Counsell table, his Majestie's relinquishing his title of imposing custome upon merchandise, and power of pressing of soldiers, the continuance of the present Parliament during their own pleasure, and many other points supposed that no King could have had the patience to be heard mentioned, far less consented unto.

The agents of Ireland sent thither from the Irish Parliament, perceaving soveraine authority to be shaken, they informe them who sent them of all these proceedings. Whereupon the Papists stirred up one ane other and their Titular Clergy, Bishops, Vicars-Generalls, Priests, and Friers, who abounded in that kingdome—they poused[1] all forward, now or never to root out the reformed religion, and to put to the sword all the British who would not assist and take part with them in the rebellion. These pretences were—they alleged the like course was intended against them, and all those of their profession, which, though falsely pretended by them, yet some things there were that hasted their conspiracy, viz. some indiscreet petitions sent over to the Parliament of England, one intituled a petition from the Protestants in the counties of Downe, Antrime, and Tyrone, in Ulster, sent back in print, and well accepted of the Parlia-

[1] Pushed ?

ment. After which many like petitions were made redie to be sent over. Add unto this, the Scotchmens' frequent brags in the North, that Generall Leslie would come over ere long, and make a generall reformation. These idle petitions and vain brags encouraged that people in a wrong time. Their conspirations were nevertheless closely carried on. The natives, notwithstanding, might sometimes be perceived to waxe insolent, and now and then to vent suspicious words. They had severall underhand meetings, and talkt of providing arms. All which was cloaked with raising of regiments to serve the King of Spaine against the Portugal or France.

The Bishop of Clogher had been very kind to the natives, and kept forty of them at least, who were his domestics and household servants, of whom no question, there were divers wittie fellows privy to the rebellion, yet never one of them forwarned him of the danger; but Archibald Areskin, his son-in-law, sent him a lettre the 21 of Octobre,[1] giving him notice that there was some dangerous business on hand; shortly after the Irish broke out in open rebellion. The Bishop was constrained for safety to retire to England. Sir Henry[2] Spotswood, his sone, was dispatched to Scotland from the Nobility, to give the King notice of what past. His house, in the meantime, was closely beseidged, and afterwards taken and spoiled, several servants were killed without any mercy. My mother, who was put into a barrell full of feathers, and her gentlewoman, Mrs Atkeson, into ane other in the garritt, were conserved, notwithstanding that three several times some of those bloody butchers had put their hands amongst the feathers. After the heat of their furie, she was conducted with her gentlewoman to Dublin in a kreill by the care of some Irish Noblemen, who were heads of that conspiracy, and from thence sent with her mother and family to England.

Yet they got there but little rest; the Presbyterians became masters, and pressd the Bishop to subscrive the Covenant and renounce his dignity, as appears by the following writ—

[1] Here the edition printed by Sir A. Boswell terminates abruptly.

[2] This was written originally *Robert*, but, without deleting the word, *Henry* was afterwards written above it.

" Reverend Brethren,

" Or, as I may more fitly call you in regard of my years, Beloved Sones—Whereas you were desirous to have my reasons *in scriptis* which have hindered me hitherto to enter into the National Covenant, hoping to give me by your answer in writt full satisfaction, I will briefly, then, and plainly set down my reasons, together with my exceptions against the 6 Articles. The First consisteth of two members: First, The constant preservation of the doctrine, worship, discipline, and government of the Church of Scotland. The Second, The reformation of the doctrine, worship, discipline, and government of the Church of England; with both which, I think, I may say it without presumption, there are not many living better acquainted; for I can remember the beginning of the Presbyterian government in Scotland: I frequented Presbiteries, Synods, Provincial and General Assemblies, till King James of blessed memorie his coming to the Crowne of England. Soon after was I beneficed in England, where I lived in Norfolk near 20 years, and so was acquainted sufficiently with both governments. But to come to the First Article. It would seem, in the first place, that in Scotland there needs no reformation at all, for we are to swear a constant preservation of all. I know they themselves have had such thoughts these many years, and have glorified in it, and if it be so, I thank God for it. Neither do I think there be any essential difference in doctrine betwixt these two Churches. The Church of Scotland, then, being for doctrine so pure that they need no reformation; the like may be said of the Church of England also; and so that word in the Covenant of reformation of the doctrine of the Church of England might better, under favour, been left out and omitted. The doctrine, then, of both Churches being one and the same, I suppose that which is aimed att is reformation of the discipline and government of the Church of England, according to the example of the best Reformed Churches. Now, the best Reformed Church is that needs no reformation, namely, that which is to be constantly preserved in doctrine, worship, discipline, and church government, as in Scotland. The result then is, in a word, to conforme England every way to Scotland, which neither the honourable Houses of Parliament nor the

Reverend Synod have yet agreed on; and therefore I had reasons hitherto to postpone and delay. I add unto this, that the most eminent both in Church and State that I have conferred with doe consent together in this—That the discipline of the Church may be altered according to the diversity of time in many things, and it is fit to comply with the policie of the kingdom or commonwealth wherein it is, and are contrary minded to him that compared the Church to the house, and State Policy to the hangings which were to be fitted to the house, and not the house to them. Noe demonstrative arguments, saith our famous lawyer, againe can be brought, that any of the disciplins urged are of Divine institution. All pretend arguments out of Scripture, some for Episcopacy, some for Presbitry, some for Independency. In consideration whereof, that Church discipline is upon occasion alterable and reformable, to swear to a constant preservation of that, especially that wherein I have seen so many changes, were not swearing in judgement, and so much for the constant preservation of discipline in Scotland. Now, for reformation of the discipline of the Church of England, it cannot be denied that purging the Church of idle pastors and scandalous ministers was fitt, yea, necessary, if done orderly, without tumult, or laying open our nakedness to Gath and Askelon, by divulging centuries not of just convictions, but of bare accusations. In which case who can be innocent? A good reformation, and with this forsaid caution, who would have resisted, or opened the mouth against it? But to turne a government topsy-turvie att ane instant hath always proved dangerous. It is perillous to prove experiments in a State; fundamental alterations bring inevitable perills, and rather ruine than rectifie. And so it is better to connive a while at some faults and inconveniencys, then too suddenly to rush upon a reformation, and instead of pruning a tree, to plucke it up by the roote.

"Now, to the SECOND Article, or swearing to do our endeavours for extirpation of Church government by Bishops. It seemed to me, at our first conference in the Exchequer Chambre, you interpreted this not to be ane abjuring and exclaiming Episcopacy as such, but of three points in the exercise of it. First, their *Tyrannicum Regimen*, as the

Covenant is translated in Latine; secondly, of their sole ordination and regimen; and Thirdly, of exercising of their jurisdictions by delegats. I never allowed ministers domineering over their flocks, nor Bishops domineering of their inferior clergy. *Potestas democratica et paterna* are farre different. As for matter of ordination of ministers, the former constitutions of the Church of England did deeply enjoyne the presence and assistance of the cheiffe ministers in the diocese, in the allowance of the persons to be ordained, requiring also the joint imposition of their hands; and least there should be subreption in this sacred busines, it was ordered that ordinations should be solemnly both in respect of time and place, and public proclamation made to the whole assembly, if any just exception could be taken to them who were to be ordained, that they should declare it before their full admission. And lastly, for their governing by delegats, whereby I supposed you meaned by their commissaries and chancellours, I know enough, and too much of the corruption of those consistorial officers, in whom there was fault enough for reformation; whereof, and for that they made the Episcopal function odious, I called still att all convocations to have it helped.

" Now, Episcopacy stripped of those three you named, and of all other circumstances, may be excepted against, and so reduced to the primative estate, it is not fit it should be extirpate. First, because this estate is incorporated into the laws of the kingdome, and cannot be utterly renounced without much alteration; so Sir Edward Cooke in his first report, *De jure Ecclesiastico*, fol. 15, acknowledged that in ane Act of Parliament held at Carlile, anno 25th *Edwardi Primi*, it was declared that the Church of England was founded in the state of Prelacy within the realme by the Kings of the land, and that for the reasons there declared. Secondly, in all times primative and following till Mr John Calvin first devised the government of the Church by Presbetries without Bishops, they were cheif in ecclesiasticall government in counsells, in martyrdome, in piety, in learning, in conversion of nations to the Christian faith, in the mighty withstanding of heresies. Who sate and determined in the fower Generall Counsells, received of all Reformed Churches, to judge of heresies next to canonical Scriptures? Who but

Bishops? To rank Prelacy and Popery together, then to rank Prelacy with heresie, schisme, prophanes, as it is done inconsiderately and undiscreetly, yea maliciously, many Prelats in England and in Ireland haveing done and suffered more for Protestant religion than the penners of this Covenant, so there is no policy in doing of *vis unita fortior.* This was a wrong time, the common enemie having gained so much ground on us, to divide and make a schisme, when all our forces united would all be little enough. I will not multiply arguments for justifieing of the government of the Church by Bishops. Yourselves know what may be and is averred. This only swayeth me most, that the Epistles written to Timothy and Titus containe charges of government of Christ's Church which were not given to many, but to one, and doe most manifestly employ not a parity, but pre-eminence and power, as where Timothy is commanded to receive noe accusations against a presbyter but upon the testimony of good witness, &c. I fear prolixity, els much more might be said;—This only, people are startled with these names of Prelacy, Hierarchy, Episcopacy. Now, you know Prelacy in the originall imports nothing but lawfull pre-eminence; Episcopacy nothing but right overseeing; and Hierarchy, sacred government, of which Mr Calvin himself in his book, *De Necessitate Ecclesia Reformanda*,—"Talem nobis Hierarchiam si exhibeant in qua sic eminuissent Episcopi, ut Christo subesse non recusent, &c. ut ab illo tanquam capite pendeant, &c. Tum nullo non anathemate dignos fateor qui non eam, reverentia summaque obedientia, observaverint." If he who first devised the government, yet accounteth them accursed who doth not reverence and obey good Bishops? Who, then, will be so foolish as to be carried away with the current and streame of these times, prophecied by Paule and Jude long before?

"Now to the THIRD Article, wherein we are urged to swear to defend the priviledges of Parliament without any limitation, and to defend the King's persone and authority, with this limitation in the defence of true religion and libertys of the kingdoms, that is no further then he preserveth religion and our liberty, which conditionall swearing in these dangerous times, wherein suspicions of undermining our Protestant religion is so much urged both by press and pulpit, it may

occasion violence to his Majesty's persone by some zealot, who by mistaking may think it should be a work acceptable to God and beneficiall to the kingdome to doe soe. Holy Scripture, the law of nature, and nations, the Gath[1] of God and true religion, bindeth us to the defence of his Majesty's persone and authority, though he were a persecutor of the true religion, and ane abridger of our liberties, such as were Saule and Nero in their time; such conditionall swearing is not then in this time of division, wherein his Majesty's authority is generally disrespected, and his sacred person daily in danger, to be urged, but rather a solemn declaration, protestation, and vowing of our endeavours, simply to defend both his authority and persone, according to the established oaths of allegiance and supremacie.

" Now to the FOURTH Article, wherein we are to swear to discover incendiaries and malignants, or hinderers of reformation of religion, or making factions amongst the people, and dividing Scotland and England, that they may receave condigne punishment, as the supreme judicators of both kingdomes, or some having power from them, shall think convenient; concerning which, it were fit that it were made clear who are malignants and incendiaries, for every one who differeth in opinion or judgment is not to be accounted neither malignant nor incendiarie. Againe, some have doubted whether it be lawfull to be accusers of our brethren, but that it were enough we doe our best to reforme them; and the rather, because we have knowne divers brought into great troubles upon frivolous accusations committed without nameing the fault, pine in prison without examining the cause, punished without any lawful conviction, their goods and revenues sequestrated, sometimes plundered upon meer suspicion, which in *foro conscientiæ* is not to be allowed, much less sweare unto it, to be accessorie.

" Now to the FIFTH Article, for endeavouring the preservation of a firm peace betwixt Scotland and England, there is none so unhappy but wisheth it may be soe. *Beati pacifici*, yet there are many of the wisest differ in opinion concerning the means. *Neque princeps neque respublica sine periculo potest uti milite auxiliario.* As more meat, saith one, receaved into the stomach than naturall heat can digest overcometh nature,

[1] Sic in MS.

so to entertain more mercenaries and auxiliaries then can be discharged at pleasure, doth always in end pille a kingdome, whereof England hath had experience in former times, the preventing of the danger may be thought upon, and spoken of that wisheth the union may long continue, and some understanding men think this the only means to make it continue.

"Now to the SIXTH Article, for defending all those that enter this Covenant, and suppressing all opposers of it. This point cannot be with safe conscience sworn unto by them that are charitably disposed upon important reasons, and by such who wish accommodation and reconciliation. Again, this Covenant may be dissolved upon important reasons, and a different covenant taken with common consent. Thirdly, to suppress all that are of a contrarie mind, I suppose that by this word suppressing is meant it must be done with armes, which is not lawfull, considering this hath been the character of the Reformed Churches,—they have ever maintained that no armes were to be taken up without the consent of the King, farre less to oppose him, least of all to suppresse him for that he misliketh the Covenant. Againe, our armes are *preces et sacrificia lacrimæ*,—it is not the right way of advancing Christ's kingdom, which is done by peace, not by warrs. Last of all, we should consider whether these courses may not make them of a contrarie religion beyond seas follow our example, and how prejudicial this may be to them of the Reformed religion amongst them.

"These are my exceptions against the Six Articles, and the reason I cannot subscrive to the Covenant *salva conscientia*, concerning which, if you can shew me better reasons, I am none of those [who] are selfe willd or obstinat unless I be upon very good grounds. I expect, then, to have your reasons in writt without delay, for Solomon's armed man is ready to rush upon me, and old and impotent age is not able to withstand him. Your loveing father and servant in the Lord, *sic subscribitur*, JA. SP. D.D."

Two years after thir troubles he departed this life, and was buried in the very foundations of the Church of Westminster, near to his brother Chancellour Spotswood. Being sick, he made the following testament:—"*In Dei nomine, Amen.*—I, James Spotswood, Doctor of Divinity, and Bishop of Clogher in Ireland, being sick in body, but of sound

minde and disposeing memorie, doe make and ordain this my last will and testament, in manner and forme as after follows:

In the first place, I resign up my soule into the hand of Almightie God, my most gracious and mercifull Redeemer, by whose all sufficient merits and satisfaction I confidently believe I shall be saved. And for my body, I bequeath it to be buried in a Christian and decent manner, as my surviving friends shall think fit. And as for touching my worldly estate wherewith God had blessed me, my will and desire is, that it remaine and be in manner and forme as after followeth.

Imprimis—My will and desire is, that the Leash of Drumboghas and Crumme, in the kingdome of Ireland, be and remain to my executors for the use of my childering, and Inisfendra for the whole time and term thereof yet remaining in the said leash unexpired, amounting to the yearly maill of ane hundred and eighty pounds. Of his leash there are fower score years or thereabouts to come. The deeds and writings of this purchase, bearing date the . . . day of . . . . . in the year of our Lord 1600 years, are in the Counsell Chamber att Dublin upon record. Those leases now bought from Mr Henry Manuring, Crumme and Innisffendra from Mr John Hyne's executors, offers were found for the being by the Heodary[1] of Newtowne, and Sir Stephen Butler's childering, tennants—the estate particularlie . . . . . .[2], not being before the Rebellion. *Item*, I give and bequeath to James Spotswood, my sone, the mortgage of two townelands, and ane half of the townelands called Tonaghmore, the whole parcell called the Watt lands, which were mortgaged to me by Mr Archbald Areskin, Minister of Engly, in the county of Tyrone, for 600 pounds, which

[1] Sic in MS., but it should assuredly be *Feodary* or *Feudary*—an officer of the Court of Wards, appointed by the Master of that Court, by virtue of 8 Hen. VIII. c. 26, whose business it was to be present with the Escheator in every county at the finding of offices of lands, and to give in evidence for the King, as well concerning the value as the tenure; his office was also to survey the lands of the ward after the office found, to rate it. This office was abolished by 12 Car. II. c. 24.

[2] This is not very intelligible, but it appeared the preferable plan rather to give the text as it stood in the MS. than hazard conjectural emendations. The portions indicated by dots are blank in the MS.

mortgage is long agoe forfeited, the yearly value being 50 pounds or thereabouts, all the deads and writings which concern this mortgage, and bear date the . . day of . . . . . in the year of our Lord 16— years, are now in the hands of Mrs Janet Hygate, as may appear by a note under her hand, and affixed to this will. *Item*, I leave and bequeath to my executors, for the use of my childering, the leases of Belliboghen and Ballibost, in the county of Derngate,[1] and Barony of Raffo, which leases were taken off Mr John Bramhall,[2] Lord Bishop of Derry, for 60 years, whereof 50 are yet unexpired ; these leases are worth 60 pounds a peice. The deeds and writings which bear date the . . . . day of . . . . in the year of our Lord 16 . . years ; all these leases are upon record. These leases were made in trust to the Lord Caorfield,[3] also the securitie of Sir Philtoune Kears' lands, as may appear by my Lord's acknowledgement under his hand and seal, now in my desk at Westchester, in Mr Harper's house. As for my goods, my will and desire is, that they may be divided in forme after following, viz.—I give and bequeath to my executors, for the use of my childering, what shall be recovered of that half-year's rent due to me, and readie to be payed upon the breaking out of the Rebellion. This half-a-year's rent ammounts to the soume of 1000 pounds, as my rental will instruct. *Item*, I give and bequeath to my executors, to the use of my childering, that debt due to me from George Leydonne, a clothier, who had of me 600 sheep, worth 200 pounds. The writing which manifests the agreement, and who stand bound for the true payment, are quhich the former Justice Irving, ... Manly of Killdernie were bound both for that 200 pounds, and 40 yearly rent for the sheep, and some lands assigned in Feintona for walke to them ; George Heyden had sold most part of them before the Rebellion. *Item*, I leave and bequeath to my executors to the use of my childering, whatsomever shall be allotted to me upon a general accommodation

[1] Sic in MS., but the word ought to be Donegal—Raphoe being a Barony in that county. See the very useful "Gazetteer of Ireland" by the Rev. John Parker Lawson, M.A., Edin. 1842, p. 698.

[2] John Bramhall, Archdeacon of Meath, then Bishop of Derry, whence he was translated to Armagh, 1634.

[3] It is so in the MS., but probably Lord Caulfield is the person meant.

and peace for my personal losses in money, plate, and goods, broake, hold, houshold goods, cattle, horse, sheep, corne, hay, and arrears of rent since the breaking forth of the Rebellion, amounting to the value of . . . . . *Item*, I give and bequeath to my executors, for the use of my childering, the severall parcells of goods and cloaths left in a trunke and deske, left at Mr Harper's house in Westchester, all which particulars are annexed to this under the hand of James Spotswood my servant, bearing date the 24th of June 1644. *Item*, I give and bequeath to my executors, for the use of my childering, severall parcells of goods and cloaths left in a trunke at Lyfford, in the house and custodie of Mrs Jannet Heygate. The particulars are attested under her hand, and are annexed to this will, and bear date the 24th of September 1644. *Item*, I bequeath to each of my grand-childering, by my sone Sir Henry Spotswood, Knight, 50 pounds a-peace, out of that which shall be recovered out of my personal estate, left at the breaking out of the first Rebellion, so my own childering may have as much. *Item*, I give to Henry Lee, my servant, who attended me in my sickness, 20 pounds out of the same personall estate. And I doe, in the last place, appoint, constitute, and nominate my trustie friends, Major James Galbraith, Captaine Henry Spotswood, and James Spotswood, my servant, the executors in trust, only to see this my last will and testament dewlie and truelie extended, so far as shall lay in their power; and I doe give to each of these my executors ten pounds a-peice, as a legacy for their care and pains herein to be taken, and this to be receaved of the first profits that can be recovered out of any or all of the saids leases. And I doe furder allow to my said executors all such cost, expenses, and charges, as they shall necessarily expend in and about the performance and execution of this my last will and testament. And I doe earnestly desire and intreat my noble friends Sir William Balfour, Sir William Cool, Knight and Colonel,[1] and Sir Robert Stewart, Knight and Collonell, that

[1] This seems to be meant for Sir William Cole, ancestor of the Earls of Inniskillen. He receeived a commission under the Privy Signet, dated by Charles I. at Edinburgh, to be Colonel of five hundred foot, for suppressing the rebels, upon which he soon raised most of the forces in Fermanagh. He was Governor of the garrison of Enniskillen, and by his

they will take upon them the oversight of this my last will and testament: And will and desire my said executors would, from time to time, make one or more of my said overseers acquainted with their proceeding in and about the performance and execution of this my last will and testament. In witness, ratification, and approbation of the premises, I have signed and sealed this my last will and testament, the 2d of March, in the 21 year of the reign of our Soveraigne Lord King Charles, and in the year of God 1644. Though I have not named Sir Robert Spotswood in this my last will, I trust him above all worldly men that he will see executors and overseers, all of them, be remembered of the care due from them; and that his own care shall not be the least. *Sic subscribitur*, Ja. Clogher. In the presence of Jo. Hodsone, Pauine Sybald.

prudent care preserved the county in a great measure from the desolation which threatened it. He married Catharine, eldest daughter of Sir Laurence Parsons of Birr, in King's County, and dying in October 1653, was buried in St Michan's Church, Dublin, leaving issue, Michael, his heir, and Sir John Cole, whose son was created Lord Ranelagh in the kingdom of Ireland.

POEMS

BY

SIR HENRY SPOTTISWOODE.

Father Hay, from whose Manuscript Collections the following specimens of the poetical vagaries of his uncle, Sir Henry Spottiswoode, are printed, originally ascribed their composition to John Spottiswoode of Dairsie, in the county of Fife,[1] who suffered with Montrose for his loyalty to the unfortunate Charles I. This amiable young man was the eldest son of Sir John Spottiswoode of Dairsie, the eldest son and heir of the Archbishop.

Douglas asserts that Dairsie, as he is generally called, was an only son ; but even here he is in error, for Sir John had at least three sons—a fact established by his "own Declaration," as recorded in the Register of the Presbytery of Cupar, and printed by R. G. Kinloch, Esq. in the interesting volume of Extracts from that Record, presented by him to the Members of the Abbotsford Club, 1837. 4to. It would seem that this ecclesiastical tribunal took upon itself to call Sir John to account for his naughtiness in keeping company with the Malignants, whereupon he endeavoured to deprecate the wrath of the rigidly righteous by the following explanatory confession :—

"April 22 (1647)—Sir John Spottiswood's Declaration.—Sir John Spottiswood compeired, and being asked if he was in company with the enemie ? answered—He came to Cupar to them, to seik back his horses, which they had taken from him. And being enquired if he did eat and drink with them ? answered—he did upon this occasion. And being asked whether he went to Tarvate[2] with them ? answered—He did it, but upon Forther his request that he should speak to Rankilour that he might speak to Newton-Gordon for him. And being asked if he went to the Newburgh with them ? replied—He did, to get his horses, which were carried along to Abernethy, and not rendered without money. He was also enquired if (he) knew of any of his sons going to the enemy ? answered—That his second son went to General Ruthven when he was absent in Ingland ; that he had bought five or six years since an ensign's place for his third son, and sent him to Germany, and had never seen him since that time ; but now of late, and lastly, that his eldest son went unto Montrose both against his knowledge and his will. And being

1 See ante, p. 13. 2 Tarvet, a seat near Cupar-Fife.

questioned if he did resett his son since Philiphaugh ? answered—Not before the generall licence and publick pardon of the Estates. And being farther enquired if David Weitch was in his house in the time of the Parliament of St Andrews ? answered—That he came to it with my Lord Lundoris. And lastly, being asked if my Lord Gordoun, or any of his brether, were in his house at Newmilne ? he answered—Never. The brether delayed this matter till this day fifteen days. Sir John was summoned *apud acta* to be present the said day. Mr John Ramsay desired to enquire of the Laird of Forther and his man what they knew of the matter, and the whole brether to enquire in their severall sessions if they did know any point of malignancie in the said Sir John."

Subsequent inquiries satisfied Father Hay that his original opinion was incorrect, and in a later portion of his MS. Collection, he has inserted the following declaration on the subject :—" Those poems on the late troubles were penned by Sir Henry Spotswood my uncle, Collonel of Horse, who died at Drogheda in Ireland, and not by Darsy his cousin, as I have discovered in perusing the Original Manuscripts, which I found in the hands of Sir William Drummond of Hawthornden whilst I was in Scotland, who told me that they had been intrusted to him by . . . . Spotswood, my cousin, Lady Innerleith."

Sir Henry Spottiswoode was a son of the marriage between his father also called Sir Henry, and Jean Bulkeley, daughter of Tristram Bulkeley, Esq. of Castilbornhill, in the island of Anglesey. In this way, through his mother, Sir Henry was descended from John of Gaunt, Duke of Lancaster.[1] His sister, Jean Spottiswoode, having married George Hay, second son of Sir John Hay of Barra, Lord Clerk-Register of Scotland, had by him several children, amongst whom was Father Hay. Upon the death of her first husband, his widow married James Sinclair of Roslin, Esquire, by whom she also had a family. In this way Father Hay was the nephew of Sir Henry, and we may therefore take for granted that the uncle was a " Colonel of Horse," and that he " died at Drogheda." Whether he married or had children, we have been unable to trace.

From a passage in the Poem " On Tradesmen turn'd Sogers," Sir Henry appears to have lost an arm. This serious accident seems, from the following lines, to have occurred before the battle of Naseby.

" ON THE LOSS OF MY ARME UPON THE HEARING OF THE KING'S LOSS AT KNESBY (NASEBY.)

" If with the King's compar'd mine is no harm,
Then not for myne, but for my King's I cry ;
My loss is nothing, but at most ane arm ;
But he hath lost, alas, more by ane eye."

It may be proper to notice that the notes on the Poems are by Father Hay, and that these are not the whole of, but mercly a selection from, Sir Henry's " Recreations with the Muses."

[1] Pedigree by Father Hay, p. 15.

POEMS

BY

SIR HENRY SPOTTISWOODE.

I.—ON THE FIRST INSURRECTION IN SCOTLAND, 1639.

THE pulpit is a tree of knowledge, and
The preacher fruit, that should untouched
stand.
Touch not my prophet, says the King of Kings;
But women still will do forbidden things,
Who from the pulpits pull'd the preachers downe
That to advance the Church obey'd the Crown.
Nor stayd they there,—their furie did arise
Against the Bishops too; but they were wise,
And shunn'd the danger. Then, because the roare
Off Devills incarnat could afflict no more,
The Bishops were, tho' with a powerles evill,
Given over to a Presbeterian Devill.
Thus with his bug-bear excommunications,
His Holines the Pope awes Popish nations;
So did the Pope-Assemblie endevour
To fright us unto awe with fained power.
Well may it Pope be called for doing this,
But cannot well be called Holiness.
The Mitre thus abus'd, their disrespect
Against the Crown then armed; to which effect

From hell they fetch't a Covenant, to bewitch
The easilie distracted people, which
Unto their wits will never be return'd,
Till like a witch the Covenant be burn'd.

II.—ON HOLLAND'S EXPEDITION TO KELSO AND HAMILTON'S VOYAGE TO LEITH.

When the revolted States of Scotland had
Theire cause and Covenant in armour clad,
The Earl of Holland, by the King's command,
Did with his Inglish troops invade the land,
And boldlie marcht as far as Kelso gates;
But Holland would not fight against the States.
This sith on land the King could nothing doe,
Let's see if on the seas he traitor'd too.
A royall man with many royall shipps
In Leith Road rod, where too and fro he skips.
But such a love unto the land he bare,
Which made him shoot his bullets in the aire;
Thus sith on earth and water they conspire,
Devill blow them in the aire, or burn them in the fire!

III.—ON TRADESMEN TURN'D SOGERS.

1 Lo how the world is turned round,
See how the Roundhead troops abound;
Hark how the preacher, proudlie mounted,
Through a false mouth-piece sounds the trumpet.

2 Instead of gounes now guns we see,
And bandleers for ink-horns bee;
He on his hat the feather wears
That lately wore it in his ears.

3 The lawyer chargeth with a shout,
But loud-tounged are seldom stout;
And yet why should he fear his life?
For lawyers live, ye know, by strife.

4 Now the Phisition needs no more
To kill with physic as before ;
For now by him is holden good
The nobler way of letting blood.

5 And in a siege the apothecarie
May make his mortar necessarie ;
For now a town will yielded be,
If it a mortar piece but see.

6 I wish I had the surgeon's skill,
That I with crownes my purse might fill ;
His cunning art can yield plentie,
Of one crackt crowne he can make twentie.

7 The barber can a man so trim,
That haire shall grow no more on him ;
His powder's changed, and withall
His balls of musk to musket ball.

8 Some gallant barbars, full of pride,
Upon their barbed horses ride,
For fearing to be put to root,
They are afraid to serve a-foot.

9 And mounted like a cavaliere,
The carier's trott to a careere
Is turned, who on a horse doth sit,
That foams with champing on the bit.

10 Behold a regiment of horse
Of stable grooms, pedees, and worse ;
Their collonel befor them comes,
A tinker with his kettledrumes.

11 Thus fortune have all alofth,
The gentle to the gentlest croft ;
And Captain Cobbler now will use
No more to cobble boots and shoes.

12 Thus as a milston round doth reell,
So nimble turneth Fortune's wheel ;

The miller hath by fortune got
A coat of mayle for his mealie coat.

13 His bodie is in armour clad
Who but one finger armed had;
The needle's turned to a tuck;
Such is my honest taylor's look.

14 The soger goes in rags, whilst dwarfes
And prentise boyes are wrapt in scarfes.
Behold the pedlar, how he pranks
With merchants marching in their ranks.

15 The dyer doth his collaris bear[1]
And whilst he leaveth he doth swear
To dye no more; he swears no lie,
For whilst he lives he cannot dye.

16 As threeds did 'fore the weaver stand,
So men are now at his command;
Men's lives are threeds which now are cut
By him that threeds together put.

17 The joiner, too, with other tooles
Disjoynteth joints, that joined stools.
A poll axe in a hamer's stead,
And men like nails are knock'd o' th' head.

18 Masons, for they are masons all,
Are building up of Sion's wall;
But though their work still forward goes,
How they have builded it, God knowes.

19 Who lived att home in rest are prest,
And so are brought unto their rest;
Thus men are driven like sheep and goats,
And bloudie butchers cut their throats.

20 The cook, like a flam of fire,
Is still advanced higher, higher;
And yet the cook, when at the most,
Can do no more but rule the roast.[2]

[1] [Colours.—E.]

[2] Proverb.

21 The man that lately faggots sold
Is now commander of a hold.
Who knowes not of Woodmonger Browne,
The Governour of Abingtoune.

22 The gardner's an ingeneer,
With lines and draughts approaching near;
And for a garden full of plants
A guard of men he never wants.

23 A fort unto a ship or boat
May be compar'd, the sea the moat;
With death acquainted sea-man man'd,
For they can best a storm withstand.

24 The fisherman hath chang'd his trade,
Of fisher-men men-fisher made;
They catch as many as they wish.
Thus many men take flesh for fish.

25 Such fishing proved not good for me,
For I was taken on the sea;
And that I should not from them swim,
From me they took away a finn.[1]

26 I had almost forgot the smith,
But he must still be busied with;
His trade, for forge nor hamer cooles,
But for the rest still makeing tooles.

27 Nor can the baker leave his bakeing,
For soger's stomacks still are akeing;
But since the brewer left his craft,
Poor sogers have drunk water oft.

28 Thus haveing long your patience vext,
I'l handle now no more my text;
But as the preacher on doth rune,
A word or two and I have done.

[1] Ane arme.

29 The limbe may now be tane from him,
Or life, that to the life could limme;[1]
Who lived by the press, no loss
May lose, if levied in a press.

30 But here a printer hath, you see,
Cum privilegio pressed me;
Perhaps I may some honour win,
Altho' my head-piece be but thin.

IV.—ON THE BEHEADING OF SIR ROBERT SPOTSWOOD.

Oh that my gall were inke, and every word
As sharp as ever yet was tyrant's sword!
O that each dash could lash, that I might still
A nipping satyre through a weeping quill.
Ingrateful countrie to thy dearest friend,
And who ingratefull is, in all hath sin'd,
To cut of his, who to exalt thy head
With all his might hath still endeavoured.
O unjust justice! judgement too, too hard!
The rebell's punishment is made rewarde
Of loyaltie. The scaffold whereupon
Justice should sit is made a tirant's throne—
A theatre of bloud—bloud that does staine
The gownes of judges—bloodie brood of Caine.
Bloud cryes for vengeance—nothing but a flood
Of crying teares can wash away this blood.
But whether am I tos't! Alas, mad muse,
Melpomene is sad, and doth not use
Such frantick passion; therefore let thy verse
Groan forth a milder sorrow, which may peirce
Each loyall heart, and so from every eye
Evene court a teare, for here lyes loyaltie.
Heere resolution lyes, or in a word,
Heere lyes a gentleman, a knight, a lord,
Heere lyes then three! No, here's but three in one—
Heere's one of[2] three whom tirannie made non.

[1] Painter.

[2] Two other gentlemen.

O tyrant death! But he shall live, though dead,
Whose faith unto the crowne betraid his head;
Whose name is raised by his head laid downe;
Whose soule is raised to ane immortal crowne;
Who through a faithless breach of quarter hath
Passed to the martyr's suffering for his faith.
But, blessed martyre, give me leave to mourne,
And with my teares to wash thy bleeding urne.
My loss I waile, not thine, for thou art blest,
Whilst, fraught with greife, my heavie soul's opprest.
O that my pen could paint my griefs! or inke
Presente in black the sorrows that I thinke!
Then would I never leave to write grave lines,
Engraving on his grave my rueful rymes.
Thus would I sigh and sing continualie
A never ending mournfull elegie;
But that my heart hath sighed away my breath,
My muse struck dead with musing on his death.

V.—ON THE BEHEADING OF SIR ROBERT SPOTSWOOD.

Was't not enough that justice from this land
Was sent in exile, and that hellish band
Off man-killers, did by the force of armes
Rule as they pleas'd; and glorie of their harmes
Done to the honest subject? Was it not
Enough that right and reason were forgot?
That childring, widows, and old gentlemen,
By some few knaves had their lands tane from them;
And none dare say his life or goods were his,
Or that base tyrants ought did doe amisse?
But that our days should see, O deed of shame!
Scarce by posterity to find a name,
Or be believed, O sacred President
Of Justice, a man harmless, innocent,
Fall by a hangman's hand. And compos court
Of judges lookin' on, and making sport
In their unjust decrees. This way did fall
Rollock, Ogilvy, Nesbitt, and most all.
The Covenantirs, Papists, on these sceines,
And the great toune delighted in their paines,

Was this a right done of so many peeres?
Was this a due reward for several years
Spent in the Session? In which with great toile
He administrate justice to this soyle.
What were his faults, what did he doe amisse,
Save when ye brooke your oaths, he keeped his?
Is this the oath which to the King was made,
Of his cheiff counsellor to take the head?
Brave Scots, is this the subjects' libertie,
Att tyrants will, not lawes, that he should die?
Axes and gibbets, justice first found out
To punish malefactors, now a route
Of combin'd rebells doe of them make use
To murther judges. O those times abuse!
Mad hypocrites, now in your burning rage
Ye have made fall a man then whom this age
In all our climat better brought not forth;
Who had more solid learning and true worth
Then ye have all, when in your chairs of state,
To robbe the subjects goods yee meditate.
A man, who had he lived where vertue swayed,
Religion, Laws, and King had been obeyed.
Men had been set for to do others good,
And as before abhorring to spill blood.
Had to his nation brought eternal fame,
As to himself he did a lasting name.
Were there no reasons now to prove that yee,
Are all dam'd tratours in the worst degree?
This one makes good, for all that yee intend,
Now of our monarche is to make ane end.
Raise up yourselves all, to governe alone,
And against laws your Sovereyn to dethrone.
This man to whom no secret in his breast
Was hidden, loved him, and serv'd him the best,
His dearest friend, who against law and right
Yee have cut off, and glorie in your spight.
A Parliament ye doe yourselves proclaime,
But hangmen for you were a fitter name.
But now, great Senatour, although thy losse
Be to the King, and to me a great crosse,

Why should I mourne the shortness of thy breath,
Since thou acquir'st a lasting fame by death
On earth, that shall not dye whilst moone and sune,
Between the tropicks in their sphears shall rune?
Thy service to thy Prince shall be renowned,
Wherever Britain's monarche's name shall sound.
And whilst black infamy, the names shall brand
Of wicked rebells, on the sea and land:
And they enclosed in the lowest roomes
Of Plutoe's palace, shall like ghostly groomes
Groane in eternity, who did conspire
Their monarch's fall and thine; times shall admire
Thy wisdome, faith, and uprightnesse of heart,
Thy spirit, so well vers'd in every art;
And tell that Belial's sones at last have wrought,
What Philip with his gold and ships were thought
He could performe, Great Britaine to divide,
And under vale of holynesse them hide.
Urban, Ignatius' name now quite deface
Out of the Kalendars, and for them place
The names of these new saints; and thou, pale ghost,
When these men shall thee meet, as once they most
Doe hommadge to them, tell how contrary,
Walking to thee in a degree more high,
They have attained all their aymes, brought low
Our British monarche, who shall undergoe
All yoakes of bondage, turn their cursed armes
In their own bowels by those magicke charmes.
Lame, ignorant Spaniard, thow was but a shade,
These men the body are; the breach have made
To let in all the antichristian bandes
In this fair Isle; and though, yet Neptune stands
For her defence a while, upon her shore
Cold Noroways tries, shall cast out men in store,
Who shall her virgin plaines with blood disdaine,
And hidde her vail's with carcasses of slaine.
Had we not miseryes enough before
Yee open'd your great deepes to let in more?
Yee say it's knowledge? Frantike fooles do yee
Know more then all the former times did see?

What have you that is good or brings delights,
Save what is borrowed from their old writtes?
They peaceable and holy lived, knew all
Those new chimeras, with which ye appall
The sillie vulgar; yet would not molest
The States of Kingdomes, nor like wolves infest
Humaine societys, nor make the brother
Against his parents rise and kill ane other.
Yee slelie keep yourselves within your cells
Devising tragedies, and well forced hells.
What gain you by division? but a name
Of perjured traitours to your lasting shame,
Which shall continue whilst the after age
With horrour shall you curse, and in their rage
Dig up your bones, though yee strive to beguile
Their just revenge, and would yourselves conceal
In common sepulchres, promulging actes
'Gainst churches, buriall's 'mongst your horrid facts.
Better it were to give unto the flames
Your bodies, and in silence hide your names.
Ah! after death in pulpits of hot fire,
Amongst the ghosts of those you did admire,
And trembling sprights your doctrine you shall roar
More wyld and lewd then what ye did before,
Till black Enceladus into his vaults
You stow, and there conceal your names and faults.

VI.—MONTROSE.

1 When Honour's noblest champion, whom loud fame
Proclaims chiefe actor of his countrie's good,
To chase rebellion hence to Scotland came,
Though like a mole-hill att the first he stood;
Yet in a litle time, Argyle well knowes,
This litle mole-hill to a great Mount-rose.

2 First he began to rise on Tipper-moor,
Where hands were guns, and where the stones were ball;
But stones are beggars' weapons, Elcho swore,
And so his Lordship scorned a beggar's brall,

For he was all for fyre and smoak, but better
Acquainted with salt pannes than with salt-petre.

3 And then from Tipper-moore to Aberdene
Converted was the scorne, where rebel rage
And valiant loyaltie were to be seene,
To act a sad play on a tragic stage;
Till to his valour fortune was annexit,
Then *manet* loyaltie, rebellion *exit*.

4 At Enderloggie[1] then in bloud he made
The red-shank rebells wade, whilst Charon's boat
With passengers he did so overlade
That with the burthen it could scarcely float,
But 'gan to sink; which when Argyle did see,
Another boat took his minister and hee.

5 Then at Alderne he earn'd a worthie's glorie,
Where this chief cheiftaine of true chevalrie,
A gallant subject for a famous storie,
Did overthrow a valiant enemie;
Whilst the Red Lyon in his standard seene,
Was high advanc'd in the bloudy greene.

6 Att Alford to their eternall cell
Fled many soules, and bodies from him fled;
But now, alas! for woe, that I must tell
How his bright mirrour there was darkened,
Dim'd with the Noble Gordon's dying breath,
Who proved e'en a conqueror in death.

7 Then at Kilsyth his handfull mad the blood
Turn green to red, whilst like a lake it stands,
Like breaking billows in stormie flood
That proudlie overthrows the prostrate sands,
So in their shirts, they with a roaring cry
Oreflowd their foes, who like the sands did ly.

8 Our honour's sun thus with triumphant light,
Without eclipse a full year's course had run;

[1] [Inverlochy.—E.]

Six victories like to the planets bright,
Upon whose severall dayes each day was won,
When Saturn like the seventh did sternly blaze,
Blake Saturday that clos'd six glorious dayes.

9 Thus have I seene fair Phebus' golden ray,
Bright, shining, hurled in a damping cloud;
And I have seen't as quickly doe away;
Clouds cannot long so bright a splendour shroud.
Yet when I call to mind this Philip-hagh,
My tongue, sunk dumb, can say no more but Ah!

10 But I will therefore mind thee no, no more,
That I may speak of him that did display
Once more his beams, approaching as before
With comfortable rays to clear the day,
When on a sudden forc'd still to stand,
Phebus obeying Jupiter's command.

11 And now, alas! hath whollie left our Ile,
Now is our sun to Thetis' lap gon downe,
Leaving us dark Cymerianes the while,
Whilst still he shines, he shineth with renowne.
And may he still so shine; but that I feare
A too long absence in another sphere.

12 But bee it here, or there, or wheresoe're
His high attempting chevalrie doth shine,
On earth still may his glorie bright appeare,
Till raised higher by the fates divine,
That to the world this record may be given,
A Mount-rose still, till rais'd unto Heaven!

VII.—THE REBELL STATES.

Two hundred thousand pounds, a royall summe,
Is now the ransome of a King become;
The King's deliv'red then, but not made free;
From bad unto a worse captivitie,
Where tho' they do not bind his feet and hands,
His bodie is encompast with strong bands;

But who have thus betraid a Prince so good
And just? A faithless and a wicked brood
Of his own mother land, that have o'erthrown
Their countrie's credit to upholđ their owne;
Not caring, so their giddie brains may range,
Tho' it be subject to each satyre's braine.
But let no crooked satyre tread amiss,
Sith not the Scots, but Rebell States did this.
Not ane apostle, wee do use to say,
But 'twas Judas that did Christ betray.
Neither did all that Parliament agree
To this abhorred act of treacherie.
Witness that still to be renouned sutor,[1]
Forfar's commissioner and the State's tutor
In loyaltie; who being asked his vote,
Did with a tongue most resolutely denote
A loyall heart, in pithie words, tho' few—
"I disagree, as honest men should doe."
So that this sutor more than Mar[2] should be
Rewarded with the hides monopolie.
Thus with my rymes I strive to vindicate
My Nation's honour; with deserved hate
Inspired, too, my insensed Muse informes
Against that viperous ofspring of the worms
That bred on Judas's carcas, being bold
To speak aloud their shame; the King was sold!
But here is comfort in his great distress,
The King of Kings himself was sold for less.

VIII.—A DREAME.

Methought I saw his Grace the Duke,
Who tho' ungracious was his looke,
Yet looking on him I might find
A truer face by far than mind;
But that I may descrive him better,
Add to his title but a letter,
I mean to Arran, and you'll have
Instead of Arran, Arrant knave.

[1] So called because of the abundance of shoemakers in that town. [See Note, p. 184 of this volume.]

[2] The Earl of Mar that had the monopoly of cowhides.

Right opposite to him Argyle
Did proudlie stand, and all the while
Mine eyes were daz'd to see his eyes,
How squint they glanced forth their rayes ;[1]
For ever as he eyed the Duke,
On me, methought, he still did looke.
So hard a thing it is to spy
The true aimed mark of squinted eye.
And through his eyes were to be seen
A heart that looked like his eyen ;
But you may this a vision call,
For cowards have no heart at all.
Then he hath lost his heart, you'll say,
And Hamilton hath stole't away,
I know not by what cunning arte,
But sure he hath a double heart,
Which like the others eyes awry,
Seems but to aime at loyaltie.
Each being jealous of the other,
Stood staring strangely on another,
So that their eyes provokt their fists,
To make them true antagonists.
When Leven came in and made up three,
Who needs, forsooth, would umpiere be,
Because they were at odds, for Leven,
You know, can make ane odd thing evene.
The controversie being ended,
In treacherie they condescended ;
But that I may the truth decipher,
Of Leven they only made a cypher.
Thus waiting still what would be done,
Some hellish plots were straight begune ;
When in there came a grizzly carle
That snapt up Marquis, Duke, and Earle.
O, how I trembled and I quaked
To see the Devil ! And so I waked.

[1] [The squint of the Marquis, and its effect upon his features, is well described by Sir Walter Scott in his "Legend of Montrose." Hamilton was considered by both parties as a traitor. He, however, expiated his errors on the scaffold, to which he was ultimately brought by the rebels.—E.]

IX.—A PARABLE.

A SKILLFUL GARDINER[1] with cunning craft,
A rose[2] and thistle[3] did together graft;
But when the buds but newlie had begun
To spread their leaves, he leaves them to his son.[4]
So rich a legacie, enjoyed in peace,
Sweet joy increased with their sweet increase;
But being blasted by a northeren winde,[5]
The flowers were blown, the prickles left behind.
When the owner, to pluck a flower intends,
He nothing found, but prick'd his finger ends.
Whereat aggrieved, he gave a strict command
To burn the hurtful weeds, and from his land
To root them out; but whether the neglect
Of carless servants did not this effect,
Or that they would not burn, because too green,
Too many prickles still are to be seen:
Yet while they thus together closlie clung,
The poisonable weed of discord sprung
Between them, which dissolved the link[6]
Of friendship, that the Rose did thus bethink,
The thristie Thistle must no longer stay,
Else might she suck my sweetness all away.
She must remove, or by the roots I'll pluck her;
I'le be no nurse to such a biting sucker.
Thus by a chance of fate were friends made foes,
And thus the Thistle spake unto the Rose:—
Ingratefule Rose![7] sith thus thou dost provoke me,
The pricks that made thy foes to bleed can choke thee.
When this the gardiner knew,[8] he humbly came
Unto his Thistle, hoping so to tame
The loftie Rose; but when he did require
The Thistle's aide, the Thistle craved hyre.

[1] K. James VI. [2] Ingland. [3] Scotland.
[4] King Charles I. [5] The first insurrection in Scotland.
[6] Dissention betweene the Scots and Inglish rebells.
[7] The King's repair to the Scots.
[8] This may be alluded to General Leslie, who carries the Thistle in his armes.

The smooth and subtle Rose then said—Sweet sister!
And therewithall with flatering lips she kis't her.
Friends may fall out, but may not prove untrue:
A vow once made, should be a sacred vow.
Tho' he be mine by right as well as yours,
Yet will I give two hundred thousand flowers[1]
For him. To this the Thistle condescended;
But tho' this act be done, the play's not ended.
Fortune may frowne, tho' now with them she dallys,
And tho' the Rose and Thistle of the vallies
Now with their prickles wound their royal Master,
A MOUNT-ROSE, as, I hope, will bring a plaster.

X.—ON HIS SISTER GRISALL SPOTSWOOD.

JUSTLY, great Nature, mayst thou brag and tell
How Cynthia is without paralell,
Who circled in glorious rays, doth scorne
Acquaintance with the sunne: and doth adorne
This our hemisphear with a new born-day,
Whose light surpasseth morning's lovely ray.
'Tis her only, whose awfull bewtys chaste,
The days abashed glories, and in face
Of noon wear their owne sunshine which so bright,
That she with Phebus joyes to compose night.

[1] Pounds.

[The anecdote relative to the Member for the burgh of Forfar (p. 181) is new. Upon turning to the list of the Commissioners of Parliament, the name of David Hunter occurs as representative of Forfar, and it is to be regretted that nothing has been ascertained relative to one who had the manliness to protest in his place in Parliament, against the abominable sale of his Sovereign.

Charles was playing at chess when he was told of the vote for his removal. With great composure he proceeded with the game, and finished it, contenting himself with remarking, that when the Commissioners arrived he would let them know his pleasure. When the *noble* resolution of the Scottish Parliament to deliver his person was communicated, he could not forbear exclaiming—"I am bought and sold." Aiken's Charles I. vol ii. p. 518.—E.]

ADDRESS

OF

SIR ROBERT SPOTTISWOODE,

LORD PRESIDENT OF THE COLLEGE OF JUSTICE,

TO THE

MEMBERS OF THE FACULTY OF ADVOCATES,

SUMMER SESSION 1633.

Sir Robert Spottiswoode was the son of the Primate, and was educated for the most part at the Grammar School of Glasgow. At the age of thirteen he was sent to the College of Glasgow, where four years afterwards he received the degree of Master of Arts, his diploma under the College Seal, being dated the 15th of March 1613.

He was then sent to Oxford, and studied in Exeter College under Prideaux, afterwards Bishop of Worcester. Subsequently he travelled in France, Italy, and Germany, "in which places," says his descendant, John Spottiswoode, "but more especially in the Universities of France, he applied himself to the study of the Laws Civil and Canon, and of Theology, especially the Oriental Languages, the Holy Scriptures, the Fathers, and Church History. For before he went into these countrys where the Popish faith is the dominant religion, his father had taken care to instruct him in the controversies betwixt the Romanists and the Protestants, and to give him directions for his conduct in places where it is dangerous openly to profess a difference in religion, as he had gathered from his own experience while he had travelled into these countreys."

Whilst abroad, Sir Robert collected some valuable materials for his father's projected history. Many very important documents were recovered by him from the Scottish Roman Catholic ecclesiastics, who had removed the ancient Church Muniments abroad after the Reformation. In particular, he procured "the famous Manuscript called the Black Book of Paisley, which he got at Rome; so that with these manuscripts, and other books of law and theology, of the best editions, and with what his father had before collected in his travels, the Archbishop and his son are said to have had a library worth five or six thousand pounds sterling, which came to no account to their posterity; for at the beginning of the troubles, that, and his whole furniture, were partly rifled and partly destroyed by the mob, and the small part that was preserved intrusted to persons who never made any account of it."

After an absence of nine years Sir Robert returned to England, and was received with much favour by James VI. His father purchased for him the lands of New-Abbey or Sweet-heart Abbey, in the county of Dumfries,[1]

1 These lands were subsequently surrendered to the Crown, with a view of being a permanent patrimony to the Bishopric of Edinburgh. The persecution and subsequent overthrow of Episcopacy rendered this surrender unavailing, and Charles, in 1641, by a signature, restored Sir Robert to his original right, the price never having been paid.

and he was, as Lord New-Abbey, on the 14th February 1626, admitted and sworn an ordinary Lord of Session. On the 1st of November 1638, upon the death of Sir James Skene of Curryhill, he was appointed President of the College of Justice. This high office he held until the Civil Wars, and the dominancy of the Covenanters superseded all laws divine or human.

In 1629, Sir Robert married Bethia, eldest daughter of Sir Alexander Morison of Prestongrange, one of the Senators of the College of Justice, and by her had four sons and three daughters. At the period of his murder, one of his sons had died; but there were three surviving, viz. John, who died unmarried before the Restoration—Alexander, who died in the year 1675, leaving three sons and two daughters—and Robert, a physician, who died in 1680, leaving one son, who in 1706 was "Lieutenant-General, Quarter-Master of the English Army in Holland, under the command of the Duke of Marlborough."

Lady Spottiswoode died in 1639, and the following verses to her memory are written in an old hand in the copy of her husband's "Practicks of the Laws of Scotland," presented by the grandson, John Spottiswoode, to the Faculty of Advocates :—

"Sir Robert Spottiswoode, upon the death of his lady 1639, composed the following Epitaph :—

"Jacet sub isto Maurisona marmore,
Adeo ore, pectore, moribusque candidis,
Ut ipse livor nil potesset carpere,
Femella quamvis, mente plusque mascula
Et ante canos cana erat prudentia,
Pietate, priscis quæ vigebat seculis
Uno verbo, idea virtutum omnium,
Ostensa terris, mox recepta ad cælites."

Sir Robert's Address to the Faculty of Advocates, in the Summer Session of 1633, is too important to be omitted from the present volume.

After the Restoration the attainder of Sir Robert was reversed, but in consequence of the re-establishment of Episcopacy, Alexander Spottiswoode, the President's son and heir, was unable to recover possession of New-Abbey, and the Bishop of Edinburgh appropriated the revenues till the Revolution of 1688, after which the introduction of the Presbyterian form of worship caused the right to revert to the Crown.

ADDRESS

OF

SIR ROBERT SPOTTISWOODE,

LORD PRESIDENT OF THE COLLEGE OF JUSTICE,

TO THE

MEMBERS OF THE FACULTY OF ADVOCATES,[1]

SUMMER SESSION 1633.

IT hath been the custom to call you in at this time, to put you in mind of the oath you gave at your admission, and to make you renew it; a custom indeed very commendable, when you return anew *ad instaurationem forensis ac togatæ militiæ*, to tye yourselves by a strait and a religious promise before God, to acquite yourselves vertuously and honestly of your charge: *Digna, Hercle, hæc vota sunt* (to use Pliny's words in his Panegyrick) *quæ singulis annis suscipiantur, digna quæ persolvantur.* It were to be wished, perhaps, that this action were performed with some greater solemnity and ceremony than it is, to the end it might strike a more reverent regard of it in your minds. For we see by the effects, that in the manner it is used, it leaveth little or no impression at all behind it, and no marvel, considering how superficially it is done. You are sworn *minus quam justo sacramento conjuratione*, which the Romans were wont to do, *in tumultu, vel evocatione;* but never *ubi erat legitima militia.* The way prescribed by Justinian, doubtless, is far better—That every one severally should give his bodily oath,

[1] It is now almost unnecessary to remind even an English reader that the Faculty of Advocates at Edinburgh constitute the Bar of Scotland.

Sacrosanctis Evangeliis tactis. For that which doth address itself to us in particular, affecteth us more than that which is common to us with many others; but for ought that I know, this was never received among us. There is, indeed, a very essential part of this action worn out of use, which I could wish were revived, that is, the reading over the Statutes of the House in all your hearings; which was accustomed, and by our Statutes is ordained, to be done at the beginning of every Session, before your oaths were taken. If this were brought in use again, we might look for some better performance of that which you are about to promise than we have seen hitherto. Now, you are sworn to observe the Statutes of the House in general, wherewith the most part of you are unacquainted, I am sure, except, perhaps, with so much as have passed in your own times. We are not to alter any thing that is in use for the present, nor to recal ought that is gone in desuetude. I will only, before I give you the oath, supply the old custom in some sort, by putting you in mind of some few of these Statutes which you are bound among the rest to observe, wherein we remark you ordinarily most faulty; the neglect whereof we find very prejudicial to the furtherance of justice, and therefore necessary to be recommended to you in particular.

I will begin at that *immedicabile malum*, of keeping the pieces,[1] whereof never one of you is free, and they most culpable that are most employed. It is become so ordinary, that it is not thought a fault; *pudorem rei tollit multitudo peccantium, et desinit esse probri loco commune maledictum*, as speaks Seneca. There never passeth a day but we must commune with some of you about it, as if it were for rendering of a town. And it seems you rely upon that military law—*Donec aries murum percusserit, impune deditio extrahi potest.* There is not one thing in the whole course of justice that lyeth heavier upon the lieges than this doth, who when they are forced to come *ad hoc sacrarium reipublicæ*, to implore our aid, they are not admitted thereunto by you, *qui estis æditui*, but frustrated a long while by such shifts and subterfuges, whereby not only the party interested suffers, but also all others that have their recourse hither for the same

[1] The only Act in the Book of Sederunt on this subject is one past at a later date, viz. 29th January 1642.

cause. For this is the greatest reason why there is so little expedition of business, because with seeing the pieces beyond the time allowed, ye make us sit in the beginning of the Session, like *Epicurus'* gods, *Monogrammos et nihil agentes;* which makes us in the hinder end so overcharged, that we cannot overtake the half. We would request you to amend this abuse of yourselves, *αὐλοκελεύσῳ καὶ ἑκουσία γνωμῇ*, rather than by constraint. If you that are the *Antesignani* of the company, and of longest standing, would begin the Reformation, no question but the rest would follow; for we are more governed by example than by precept. It would be honourable to yourselves, profitable to the lieges, and acceptable to us. If none of these respects will move you, we must have recourse to the Statutes that are made for redressing this abuse, and put them in execution. There are many of them, and perhaps never a whit the better for that. *Nam nihil æque sanitatem impedit*, saith Seneca, *quam remediorum crebra mutatio.* The last was drawn up by your own advice, and many fair promises were made, that it should free us of all further trouble; but it hath not answered our expectation. Yet, notwithstanding, because it is the most recent, we will keep us with it, while we may fall upon a better expedient, and shall observe it punctually. You shall take this, therefore, for an intimation, and signify so much to your clients, that we will receive no complaint of any of you hereafter for keeping the pieces, except it be subscribed by the Dean of Faculty;[1] and where he puts his hand to it, we will not stand upon the examining of the matter, whether he had reason to do it or not, or receive such excuses, that ye shall send them or deliver them after noon. But be assured we will forthwith inflict the pain of the Act on them that are complained upon, without respect to any of your qualities. If we remit any thing of this, when you give us occasion, then esteem no otherwise of all our threatenings but as *fulgur ex pelvi.* As for you, Dean of Faculty, we will rely much in this upon your honesty and integrity; it is in your hands to make this useful or not to the lieges. If you be careful to do your part, as we trust you will be, you shall both

[1] The office of Dean of Faculty is the highest which the Members of the Scottish Bar can confer upon any one of their number. He takes the Chair at Faculty meetings, and is the official Head of the Body.

gain the reputation of a good man, and oblige us to you for relieving us of great trouble and fashery we have been at upon this occasion.

The next thing I will recommend to you is, that you come timeously to the Tolbooth.[1] The bell is appointed for that end to give you notice of the hour, and you are ordained by the Statute to be here before it cease. But I know not how of late you make it your ordinary not to come in before half an hour to ten at the soonest. This helps among other things to make a greater throng in the latter end of the Session. It is enough that this is mentioned.

I will touch another that hath some contingency with this, that you do not, without a necessary cause, absent yourselves out of the Tolbooth. *Arator nisi semper incurvus prævaricatur*, saith Pliny. It is even of old that men of your profession have made use of such unthrifty shifts. Ammianus maketh mention of them—*Qui per morborum simulationem, consulto, cessantes dilationum examina longissima contexebant.* It is but of late that we began to suspect some disorder in that kind here amongst us, which therefore we restrained by an Act,[2] as you know. Because this concerns but a few of you, and these of the best note, that know what belongs to their duty better than I can tell them, I but point at it, hoping that we shall not have occasion to believe any such thing of any of you hereafter.

The rest of the Acts that I will call to your remembrance at this time, do concern your behaviour at the barr, I mean only of this barr within. As for the Outer-House, we must use other means *ad repurgandum illud Augiæ stabulum.* There are many things I would wish you to mend in it. I will only touch two or three points.

First.—There is never an action that you can be brought to reason in at the first calling, but we must have you once, if not oftener, removed upon this, whether process or not. Beside that much time is spent herein, and many matters are casten off that cannot be brought in again of a long while, it is far unbeseeming the dignity and gravity of this barr to have such frivolous things proponed at it. The

[1] It appears that the Court of Session was then held in the Old Tolbooth of Edinburgh, removed in 1817, celebrated by Sir Walter Scott in the Heart of Mid-Lothian.

[2] Of Sederunt, or order of Court.

ordinary pretexts you have for it are, that your party is absent, and did not look for calling, or that you yourselves are not ready, but must have time to look over your Informations. To take away from you these excuses in time to come, so long as I have place to call matters here, there shall be nothing called but by a roll, which shall be affixed every *Saturn-day* in the morning both here and without; by which you shall know what actions are to be called the week following, and in what order, that you may be well prepared for them; and your parties, if they list, may give us timeous information.

The next thing I would wish you to refrain from is tediousness, and idle repetitions. You spend much time to us by the means, striving who shall have the last word; but you consider not withall, that you are as prodigal of your own reputation; for this ἀπεραντολογία makes you oft speak that which is little to the purpose: *multa dicere et opportuna non est ejusdem.* I would advise you, in the words of Menelaus to Pisistratus, old Nestor's son, Ὦ φίλ', ἐπεὶ τόσα εἶπες ὅς' ἂν πεπνυμένος ἀνὴρ Εἴποι καὶ ῥέξειε. When you have spoken all that should be said to the contentment and satisfaction of all that hear you, be careful not to loose that good opinion you have gained by falling out into impertinent extravagancies, which may force us to interrupt you, as was the custom of the Areopagites, Ληρεῖν πρὸς τὴν βελὴν, ἢ περιτέπλειν τὸ πρᾶγμα ἐν τοις λόγοις. When such checks are given you, think it is not *sine opinionis vestræ imminutione*, therefore be the more careful to eschew them. The best property is to be short and pertinent, to speak nothing but that which makes to the purpose, to keep you always at the point. It is the precept of the orator, *Ut semper ad eventum festinet et jugulum controversiæ petat.*

This that I am going to speak of next is as necessary to be reformed, as any thing that hath been told you yet; that is, a most uncivil custom you have to interrupt one another in your pleadings, which you learn in the Outer-House, and bring from thence hither, not considering that there is required more modesty and gravity here than there. There is nothing in all your actions more undecent, or that stains so much the lustre of this Bar. It is a certain argument of the little respect you carry to this place. Fabius speaking of such tumultuous janglers, *Qui neque judicum reverentia,*

neque agendi modo ac more continentur, gathers another conclusion. *Ex hoc ipso mentis habitu*, saith he, *manifestum fit tam in suscipiendis quam in agendis causis nihil pensi habere, profert nempe mores plerumque oratio et animi secreta detegit.* You know it was for this cause that women are prohibited, *pro aliis postulare, ob Carfaniam improbissimam fœminam, quæ inverecunde postulans, et magistratum inquietans, causam dedit edicto ;* for you may be assured, *quod hæc improbitas, licet adversario molesta sit, judici invisa est*, as saith the same Fabius ; for beside the disorder and confusion that it breeds, it hinders much the attention of the Judges. Forbear, I pray you, this hereafter, and banish from this Bar *rabidam hanc jurgiosamque facundiam*, and carry yourselves with that modesty and mutual respect to others, *ut loquendi vices serventur.* I might take occasion to touch many other particulars, as necessary to be represented to you as these I have spoken of; but my intention is not at this time to read you a full lecture of your duty. If you practise well this that hath been recommended to you, you make good progress for this time. The practice of these, and of the whole sum of your duty besides, consists in three words only—in a *willingness, a sense of shame, and a ready obedience to superiors.* Bring but these with you, and it is done, especially the last, *in quo non dicam multum momenti, sed pene dixerim τὸ ὅλον καὶ τὸ πᾶν esse positum.* Have but us that are set over you in that reverence and regard that ye should, and we shall not be much troubled to admonish you of your duty. This is the first and strictest obligation that ye are tyed to—*To honour and respect the Judge*, wherein if you fail, you transgress one of the very first principles of your profession, which is *suum cuique tribuere.* This respect you owe us doth not consist so much in an exterior demonstration of humility and reverence, as in this, not to misregard our commands and ordinances, to abstain from censuring our proceedings, and above all, not to grudge and repine at our interlocutors, but to receive them thankfully. Although I have detained you very long by the custom, yet I cannot let pass this last point untouched, it importeth to much the honour and credit of this House.

This is no new fault crept in among you lately, but it seems they that went before you have been subject to it, for we

have it forbidden amongst our first statutes. If ever there was occasion to reproach you with this, we have it; for I do not think that ever in any age there was such liberty in this kind taken as in ours. We see you sometimes so far transported, that even in public ye cannot forbear to repine at that which we find. What you both think and speak in private we may easily guess at by the effects; for there is never interlocutor or decreet given in matters of any importance, but the party that is prejudged by it doth proclaim loud enough that his cause was good, but he was borne down by the credit and friendship of his adversaries. We owe this most to you, I will not stick to tell it, that the people is possessed with this opinion of us, that there is little regard had before us to the justice and equity of causes, but that we are more led with by-respects. *Studium hic esse, non judicium*, as Cicero speaketh of the popular assemblies in his time, *eblandita nostra non enucleata esse suffragia*. Now what is the reason hereof, that people have so uncharitable opinion of us? Nothing else but this, when they come to you to get resolution of their affairs, you are too peremptory in determining matters, and giving out your verdict, *ceu κύριας δόξας*. This is far from the modesty even of the Judges of old, *qui quæ jurati cognovissent, ea non esse facta, sed videri pronunciabant*. When your clients have engaged themselves upon your assurance, and are disappointed at last, then you, to save your own credit, must lay the blame of all upon the Judges. There are many ready enough to believe you; for there is neither pursuer nor defender among a thousand but thinks he has reason for him. Now, when controversies arise amongst men of place and power, and one or other of them come to be possessed with this prejudice against this House, what shrewd effects may be produced hereby? For although this doing tends principally to bring us in contempt, yet it endangereth the weal and standing of this House, and if it get way, shall prove a means of the overthrow thereof, which is *theatrum gloriæ vestræ et quæstus vestri*. For us, we are but men overmastered with passions, and having our opinions subject to error, and no doubt, we are oft enough mistaken in our judgment; yet it is every man's part, and yours above all, to construe things to the best, and to reverence that which is done by us. Suspect

your own judgments rather than ours, and remember that we and you come not with a like disposition to the handling of processes; as an ancient saith of the shepherd and the butcher—*That they look both upon the sheep, but with a very different affection.* If it were well, all our ends should be one, to cut short all processes. It is your gain to make pleas immortal. To conclude, this we pray you, when ye have acquit yourselves of your duty in pleading for your clients, and that either interlocutor or decreet is pronounced in the matter, to quit your passions and opinions, and acquiesce with that which shall be found. *Peculiare de vobis vectigal hoc exigimus*, saith Cassiodore, *ut sicut vobiscum familiariter miscemus affatus, ita nostra opinio specialiter a vobis mereatur affectum.* There were no better remedy for retrenching the multitude of processes than this.

I have been longer than I intended, *Longius nos impetus vexit provocante materia.* This that I have spoken by the custom is not for novelty, but out of the zeal I carry to the honour of this House, and the affection I bear to every one of you in particular. I hope you will not slight what hath been said to you, but have it in particular recommendation; and especially this last σέργειν τοῖς δεδικασμένοις; your duty binds you to it, and your oath which now I minister to you in the ordinary form:—*That you will promise before God to discharge faithfully the whole duty required of you both towards your clients and towards us.* AUDIAT HÆC JUPITER, QUI FŒDERA FULMINE SANCIT.

TWO LETTERS

RELATIVE TO THE

MURDER OF SIR ROBERT SPOTTISWOODE

AND OTHER ROYALISTS,

DATED FROM ST ANDREWS 20TH JANUARY 1645-6.



The execution of Sir Robert Spottiswoode was one of those sacrifices on the altar of freedom which its votaries in 1646 found much gratification in offering, and in which they were zealously aided by the Apostles of the Covenant, who were delighted to act as High Priests upon an occasion so interesting and instructive. Indeed, so highly did these "reverend" personages recommend the shedding the blood of their religious and political opponents, that but few of the unfortunate persons who fell into the hands of the Covenanters would have escaped death, had their fate depended upon the fiat of the Calvinistic preachers of that day.[1] Fortunately for the intended victims, this wholesale slaughter was too much even for such "patriots," and they contented themselves with removing from this wicked world only those persons whose exit could either gratify their individual revenge or further their own private advantage.

Mr Malcolm Laing declares the execution of Spottiswoode to have been "peculiarly unjust." "He had framed or brought the Commission to Montrose, and accepted the office of Secretary, which the Parliament had formerly conferred upon the Earl of Lanark. He was convicted, therefore, of an obsolete treason, because he impugned the authority of the Three Estates; but his sentence may be more truly ascribed to the prostitution of his judicial character in the trial of Balmerino, and the suspicion, to which he was obnoxious, of corruption upon the Bench."[2]

Whether the President was corrupt or not, or whether his procedure during Balmerino's trial in 1635—ten years before—was unbecoming, it certainly, in these times, does appear very remarkable that persons whose ostensible object was the downfall of arbitrary power, and the upholding of the liberty of the subject, should have taken off a man's head, not for the crime of which he was accused of committing,[3] but for a crime, or rather suspicion of a crime, as to which they did not venture

[1] Laing, the Historian, explicitly admits—"The Parliament was importuned by the vindictive zeal of the clergy, but resisted the farther effusion of blood; and, instead of forfeitures, established a fixed composition, on which the delinquents obtained their release," vol. iii. p. 336. This hankering after "men's head" by the Presbyterian priests is noticed by Bishop Guthrie in his Memoirs, London, 1702, 8vo. p. 164.

[2] Burnet asserts that Lauderdale, though a personal enemy of Balmerino, was very zealous in his behalf; and his Lordship told the Bishop's father that "the ruin of the King's affairs in Scotland was in a great measure owing to that prosecution." Burnet, vol. i. Oxford ed. 1823, p. 43.

[3] History of Scotland, vol. iii. p. 335.

to indict him!! But this accusation of corruption on the Bench is questionable, and the assumed prostitution of the judicial character at Balmerino's trial altogether unsupported. Baillie, in his Letters, speaks unfavourably of the President, as he does of the Primate, and of all his political opponents; but although at this time, and at a much later period, the administration of justice in Scotland was corrupt and detestable, nothing has ever, so far as the Editor has been able to ascertain, been brought forward on credible evidence to blacken the character of Sir Robert Spottiswoode.

As regards the case of Balmerino, the charge of Laing seems to rest on no solid foundation. Sir Robert was one of three assessors to the Earl of Erroll, Lord High Constable, who presided; another was Sir John Hay of Barra, Lord Clerk-Register—and, strange to say, he it was, and not the President, who attempted to browbeat Balmerino. Amongst the MSS. accumulated by Wodrow is an abstract of that Nobleman's trial, containing many very interesting details not included in the State Trials. From this abstract[1] it is evident that Sir John Hay took a very unseemly part during the trial, but not one word is there said to the disparagement of the President. If, therefore, popular feeling was so strong as to remain in full operation for the space of ten years, how comes it that the Lord Register, the real offender, should have escaped punishment, whilst another Judge, whose zeal against the accused was at least not so apparent, was selected as the victim? The Clerk-Register, be it observed, was within the power of the Covenanters, for he was taken with Spottiswoode, yet he escaped, as before mentioned, by making a pecuniary sacrifice—whilst the President perished on the scaffold. The plain truth seems to have been, that the son of the Primate of Scotland—himself a staunch loyalist—upright judge—and zealous Churchman—was a much more eligible person to behead than the less prominent Clerk-Register; and being anxious to palliate what he could not justify, Mr Malcolm Laing caught at the notion that as Spottiswoode had been one of Balmerino's Judges, this might in a slight degree excuse the vindictive proceedings of the political party whose tyranny he was desirous of veiling as much as he could.

The following Letters, which give the Covenanters' account of these abominable murders—for they can hardly be called by a more fitting name, are taken from a very rare Tract in possession of the Editor, entitled—"Treason and Rebellion against their native country justly rewarded upon severall Traitors and Rebels lately executed in Scotland. Certified by an expresse in two Letters dated at Saint Andrews, January 26, 1645. Together with a Declaration of the Generall Assembly of the Church of Scotland. Published by Authority." London, small 4to. 1646.

1 For the first time printed by the Editor in the Appendix to the Genealogy of the Family of Hay.

MURDER

OF

SIR ROBERT SPOTTISWOODE.

A COPY OF A LETTER SENT FROM ST ANDREWS DATED JANUARY 26, 1645-6.

SIR,

THE Committee appointed for the Processes against Delinquents having found the inditements brought in against Sir Robert Spottiswood, pretended Secretary of State, William Murray, brother to the Earl of Tullibarne, Major Nathaniell Gordon, and Master Andrew Guthrie, sone to the pretended Bishop of Murray,[1] to be relevant, and hauing repelled all their Defences, except that of quarters, which was left to the determination of the Parliament, their processes were read in open Parliament, and there were many rational debates about the defence of quarters, grounded upon Scripture, reason, law of nations, and the

[1] John Guthrie, Bishop of Moray, held that See until his "deposition" by the Glasgow Assembly in 1638. He resided in the episcopal castle of Spynie until 1640, when he was forced to surrender it by Colonel Monro, after which he retired to his own estate of Guthrie in the shire of Angus. He was excommunicated by the Assembly, in consequence of his refusal to make a public repentance in Edinburgh, for having preached in a surplice before King Charles I. in the High church. He was a Prelate of great worth and high principle. Some of the charges brought against him by his enemies were absurd enough. Andrew Cant "said that he knew him to be a common ryder on the Sabbath day, and likewayes that he was a prettie dancer, as Mr Thomas Abernethie can testifie. At his daughter's brydell he danced in his shirt. Likewayes, Mr Andrew said that he conveyed some gentlewomen to a chapell to make a pennance, all barefooted."

"Mr Frederick Carmichaell said that the Bishop being by occasion ryding from the church on the Sunday morning, he was desyred to stay all the night becaus it was the Sabbath day. He answered, he would borrow that piece of the day from God, and be as good to him some uther gate."

The worthy selected to excommunicate the Bishop was Mr Henry Rollock.

military and municipall law of this kingdom. The state of the question was, Whether the granting of quarter in battle to delinquents by an officer or soldier did exempt them from punishment by the State for their murder, rebellion, and treason? And it was resolved unanimously by the whole Parliament that the defence of quarters was not relevant. When all the Defences were repelled, and the Parliament was ready to pronounce sentence, offer was made by Nathaniel Gordon to procure the exchange of all the prisoners with James Graham, late Earl of Montrose, for himself, and to lye in prison untill they brought hither, and farther to engage himself, and find surety, that he should never lift arms against the Parliament.

This offer he conceived to be more plausible that the Lord Chancellor's brother was one of the prisoners with the enemy; but when the Lord Chancellor[1] was asked therin, he declaired that though all his brethren and children were in the like hazard, he would not be the means of hindering the execution of justice. And such was the earnest desire of the Parliament to excuse justice, that his motion was rejected, and all the four were forfeited in life, goods, and lands, their coats of arms appointed to be rent, and deleted out of the Book of Arms, and themselves to be beheaded on Tuesday the twentieth of January. There were only five or six contrary voices, and those were for perpetual imprisonment. The Earl of Tullabarn[2] presented a very humble supplication for sparing his brother's life, and entreating that any other punishment might be inflicted upon him.[3] This was denied; but in regard he was very insensible

[1] The Earl of Loudon.

[2] Tullibardine, ancestor of the Earls, Marquises, and Dukes of Atholl.

[3] Guthrie, Bishop of Dunkeld, tells us that Mr Bennet, who was Moderator in the absence of Mr Douglas, reported to the Committee of the Kirk that the Earl of Tullibardine in the Committee of Estates expressed himself thus in regard to the fate of his brother William—"That because he had a brother amongst those men, it might be that their Lordships so valued his concurrence with them in the good cause, that for respect of him they were the more loath to resolve upon the question: But that for himself, since that young man had joined with that wicked crew, he did esteem him his brother, and therefore declared that he would take it for no favour, if upon that account any indulgence were granted him," p. 164. This statement, made on the authority of Bennet, is not very consistent with what is stated in the text.

of his present state, his execution was delayed till Friday the 23d; and some ministers were appointed to wait upon him, and to endeavour to bring him to some sense of his condition. Upon the 17th three of them were executed, and first Nathaniell Gordoun,[1] who was exceeding penitent, whereof he gave many evidences to all that heard him, and at his earnest desire (given in writing under his hand, whereof a copy is herewith sent), he was relaxed from the sentence of excommunication. After they were condemned, he and Sir Robert Spotswood were put in one chamber, whose obstinacy did him some harm; but when he came to the scaffold, he said it was not time to dalley longer in a matter of eternal consequence. He acknowledged that mercies led him not to repentance, and therefore God had brought him to that publick death: he confessed he had been an adulterer, a drunnkard, and a shedder of innocent blood. He besought all to pray for him, and craved pardon of all that had any interest in the blood shed of late: casting off his doublet, he said that many a time he had cast it off to sinne, but now he cast it off to embrace his Saviour, and to let his blood be now justly shed who formerly had shed much innocent blood. As for that ambition that made men provoke to combates, he said of all vanities it was one of the chief. He desired the Parliament to keep unity in the cause, and to avoid division as they desired to shun God's judgement upon themselves; and amongst his last words, he said he left as many ill wishes as, in the condition he was in, he durst to all such of his friends as should attempt to revenge his death. He desired the minister not to part with him till he delivered him over to his Redeemer. All his discourse was so ingenuous, and his expressions so pathetic, that he had few hearers from whose eyes he did not bring tears; but Sir Robert Spotswood, and Master Andrew Guthrie, dyed as they lived, full of malice against the cause and Covenant, justifying themselves in all that they had done against the cause.[2] Sir

[1] See note as to this gentleman, p. 205, 206, appended to his Declaration.

[2] In Blair's Memoirs, it is mentioned that he visited Spottiswoode, Gordon, and Guthrie, often, and was at great pains "to convince them of their sin. With Mr Gordon he prevailed so far, that he seemed very penitent, under a sense of his bloodshed and joining in that cause, and sought to be relaxed from the greater excommunication, which had been pronounced against him. Mr Blair did accordingly, by the authority of

Robert Spotswood inveighed much in his discourse against the Parliament of England, stiling them always rebels, and said the judgement of God was upon this kingdom for assisting those rebels against their native King, when he had granted all that we could crave concerning the settling of our own peace, and desired no more of this kingdom but that they would be neutrals in the affairs of England; that the excommunicating those holy men of God, meaning the Bishops, was lying as a grevious sin upon this land; that God had put a lying spirit in the mouths of our prophets, whereby the people were deluded. Master Robert Blare,[1] who was appointed to attend him, desired the people to take notice that he was the son of a false prophet, viz. the pretended Archbishop of St Andrews, sometimes Chancellor of Scotland. He would confess no more sinne, but that he had, as other men, *peccata juventutis et quotidianæ incursionis.* He said to the Provost of St Andrews, that he was sorry the place where he was so much honoured should now be the stage of his tragedy. William Murray was executed upon Friday the 23d. He confessed himself guilty of adultery and drunkenness, but denied that he was a traitor to his country. It is worthy of remark that Nathaniell Gordoun, whose sentence was most questioned, because of the offer made by him for exchange, that it should please God to open his eyes, and move him so ingenuously to acknowledge the justice of the sentence now pronounced against him, Sir William Rollock, Sir Phillip Nisbet,[2] and Innerquharity, who were

the Church, relax him from that sentence, and obtained great satisfaction from him; but of his labours bestowed on the other two, he found no good effect, Spotswood dying with the most invidious reproaches on honest ministers, who had been faithful to their trust; and Guthrie died stupidly impenitent. These two were Bishops' sons; *malo corvo malum ovum.*" Edin. 1754, p. 101.

[1] Mr Robert Blair, an extract from whose Memoirs is given in the previous note. He was the ancestor of the author of the "Grave."

[2] Philip, eldest son of Sir Alexander Nisbet of that Ilk, and Catharine Swinton, daughter of Swinton of that Ilk, was knighted by Charles I., had the command of a regiment, and was Lieutenant-Governor of Newark-upon-Trent when ineffectually besieged by the Covenanters. His subsequent capture after the defeat of Montrose was a matter of great rejoicing to the "Saints." He was uncle of Nisbett, the author of the System of Heraldry, whose father Adam was Sir Philip's youngest brother. This fact is stated by Nisbett (vol. i. p. 321. ed. 1722), and admits of no doubt. Upon his death the male representation of the very ancient

formerly executed at Glasgow,[1] acknowledged the justice of the sentence pronounced against them; yea, Macklauchlane and Col. Ocain, the two Irish rebels hanged at Edinburgh, did the same; but these three last executed were obstinate to their last breath.

The process against the Earl of Hartfell is to be brought into the Parliament this week.[2] I acquainted you by my last that the Lord Ogilby was escaped out of prison in his sister's cloathes,[3] and that the rebels did retreat to the hills upon Colonell Barclaye's advance.

I have no more to add at this occasion, but that I am, Sir, your affectionate friend to serve you.

St Andrews, *the* 26 *January* 1645.

MAJOR NATHANIEL GORDON'S DECLARATION.

AT ST ANDREWS, JANUARY 20, 1645-6.

I, Nathaniell Gordoun, being heartily sorrowful for my manifold grievous sinnes against Almighty God, and especially for taking up arms and shedding much innocent blood in this wicked rebellion against this Church and kingdom,

family of Nisbet of Nisbet in the county of Berwick failed, there being no satisfactory evidence to connect the Nisbets of Dean, Craigintinny, and Dirleton, with the old stock—their common ancestor being an Edinburgh merchant or shopkeeper.

These assumed admissions in the text of the justice of his sentence by Sir Philip are undoubtedly false.

[1] Sir Alexander Ogilvie of Innerquharity, a youth scarcely eighteen years of age, and only recently from school. His execution, and that of Sir Philip Nisbet, so much rejoiced the heart of Mr David Dickson, one of the shining lights of the Covenant, that he exclaimed—"The work goes bonnily on!"—"which afterwards," says Guthrie, p. 166, "passed into a proverb."

[2] Lord Hartfell was also to have suffered, but he got off by the interest of the Marquis of Argyll. His Lordship died in 1653.

[3] Lord Ogilvy, who thus fortunately escaped from the clutches of his foes, succeeded, upon his father's demise, to the Earldom of Airlie, and died about the beginning of last century. According to Wood's edition of Douglas, the sister who thus risked her own life for that of her brother must have been Lady Helen, who married Sir James Carnegy of Balnamoon, as the only other sister, born in 1618, "died young." Her Ladyship's example was copied at a later date (1710) by a sister of the Master of Burleigh, who, in order to save her brother's life, then under sentence of death for a most atrocious murder, exchanged clothes with him, and thus enabled him to escape the hangman.

for which I was justly excomunicate by the Kirk, I do therefore humbly beg pardon and mercy from God for the same, thorough and for the merits of Christ his Sonne, desireing earnestly to be relaxed from that fearful sentence of excommunication: And do hereby request and exhort all who yet adhere to that wicked cause, to leave the same as they would eschew the wrath of God. All which I do declare and testify in the sincerity of my heart, and in the sight of God, the searcher of hearts, subscribing the same with my hand the day and place aforesaid.

NATH. GORDOUN.[1]

THE COPIE OF ANOTHER LETTER SENT FROM ST ANDREWS, DATED JANUARY 26, 1645-6.

MY HONOURED FRIEND,

I KNOW you will heare by the publick letters what our work is here, yet it will be but a small losse of time to you

[1] The following notice relative to Major Nathaniel Gordon of Ardlogie, occurs in the History of Scotch Affairs by Gordon, Parson of Rothiemay, printed for the Spalding Club, 1842.

"Aboyne, who had yet about him a number of the best of his cavalry, got as quickly advertishment of Montrose's motions, and to be sure of it, a pairty was directed from Aberdeene towards Stonehyve. This comynge the lenth of Elsicke, within six myles of Aberdeene, a forpairtye of acqwall number of Montrosse cavallry recounter, ther forpairtye being about seven on the syde. Some wer hurt on either syde, and the result was the beating of Montrosse seven horsmen, two of them tacken prisoners—Thomas Fodringhame of Dunoen, by John Gordone of Fechill, and ——— Ogilvy of Powery, younger, by Nathaniel Gordone. Powry had some hurts, but not deadly. Both of them were carryed along to Aberdeen that same night prisoners, and putt in safe but free and honourable custodye." Vol. ii. p. 275.

It is proved by the Acts of Parliament, 20th February 1649 (vol. vi. p. 397), that Major Gordon left a widow, Grissel or Grizelda Seyton, and that he made a will at Saint Andrews, dated the 19th January 1646, from which it appears that five hundred dollars belonging to him were in the hands of Janet Gordon, relict of William Gordon of Tulloch, two hundred of which he destined to Mr Robert Keith, minister at Deir, and the remainder to his wife. A debt however had been incurred for his maintenance while in prison, as well as for his burial, and Mr Keith and Elspeth Donaldsone, relict of Andrew Burnet, burgess of Aberdeen, successfully supplicated Parliament to give such orders to the Sheriff of Aberdeen or his Deputy as might enable them to recover their just claims, and the widow to obtain the residue. It is not improbable, from *Grizzel* or Griselda being a common name among the Setons, Earls of Dunfermline, that the lady may have been of that Family.

to take notice of some observations from him who is your brother in Christ, and your private friend for the publick sake. When I remember the servants of God who have suffered for the cause of Christ in this land, of which many were my dearest friends, they bring to mind Simon, a man of Cyrene, who bearing the Cross of Christ after him, was the character of a Christian. When I look upon them who by order of justice are put to death for their wicked and unnatural rebellion, some of them, as Sir William Rollock[1] formerly, and Nathaniell Gordoun now, represent to my thoughts the penitant malifactor converted to Christ at the time of his death. But others of them, such as Spotswood and Guthrie, ar like the other Thief that died rayling on Christ; in the one sort the mercy of God was manifast to repenting sinners; in the other, the justice of God was seene against such as continue in the iniquity of their fathers, for they were the wicked sons of two excommunicated Prelates. This Spotswood, sometimes President of the College of Justice, sonne to him who was both pretended Primate and Chancellor of Scotland *(monstrum horendum!)* complayned on the scaffold that he was brought to suffer in the place where sometimes he had been so much honoured; but did not observe the justice of God, by this circumstance of the place doubling his punishment, that some few years ago his cursed father's coatch (himself then being in England) was brought from his castle through the whole city with the hangman sitting in it, to the same very place of the market-crosse, and rent all in pieces. The Lord is known by the judgement that he executes; so let all thine enemies perish, O Lord! His fatal sentence was to die as a traitor to the Estates and an enemy to his native country. From which, while he endeavoured to vindicate his innocencey, he did involve himself in farther guiltinesse of both, by charging the kingdom of England with rebellion, and this kingdom with more than unparalleled disloyalty, in taking part with a faction in England against our own native King, who at his last being here had given contentment to this kingdom both in the affairs of Church and Policy, and by justifying and professing his assisting of the design of James

[1] Sir William was the youngest son of Sir Andrew Rollo of Duncruib, first Lord Rollo, and was a zealous loyalist.

Graham, whom he calleth the Lord Marquisse of Montrose, the matchless mirrour of all true worth and nobility, in all which (to say no more) he either lyed most impudently against his own knowledge and conscience, for he behooved to be convinced by our Declarations, and could not be ignorant, that James Graham was not a mirrour for Noblemen to dress by; but to present the monstrous face of drunkenness, of adulteries, and of devilish pride, in such as are of Noble extractions; for which (as was often presaged of him, and hath been paralleled by some few examples) the Lord hath plagued him to be so horrible an apostate and unatural murderer, and is reserving him for a tragical end, to be a mirror of his justice and wrath to all degenerous and perfidious spirits in this and after ages. And I am sure that Spotswood did no more allow him in taking and pretending to keep our first National Covenant, by vertue whereof our Prelates did perish, then he did approve of others in joyning in the mutual Covenant of both kingdoms, by which himself and his fellows, with the Prelates of England, have now fallen. To return—If Spotswood did not lye against his own present conscience, he was punished with excæcation of mind, such as useth to be the usher of exemplary ruine and destruction in those whom the Lord hateth. One thing I cannot pass by, which maketh me conceive his estate to have been the more desperate, and that God had shut up the way against all comforts to him by his ministers; he spared not openly to spew forth that God had put a lying spirit in the mouthes of the prophets in the land. It was ansuered in the time that himself was the son of a lying prophet. And indeed, as one saith of Cæsar Borgia, the sonne of Pope Alexander the Sixth, he was like his father, not only in body, but in the swarthiness of the complexion of his soul; both of them would have given no other verdict of our first Reformers, and of all the faithful that have either succeeded them in this Church, or have opposed defection, or fought after reformation in the Church of England.

The testimony of such atheists and wordlings against them is no small commendation unto them, and to the truth which they have constantly preached and sealed with their sufferings. But finding myself drawn beyond the length of a letter, I will not farther insist. I would only know of you

some few things. 1. What can be the cause that church government is not yet settled in England? the Assembly having given their advice for it long agoe. The power of the Parliament being increased to such a fulness, is able to doe it; and if they did not intend it in the beginning, or if they be grown morre remisse then they were at first, I pray you tell me by what means I shall convince Malignants, and confirme the godly, who have suffered so much in this cause. 2. Let me know whether it be true that is talked here by the best affected, upon what grounds I know not, that many of our professed brethern rejoice in this, that God hath raised up an enemy against us in our own land, that they may the more easly dispose of our forces there at their pleasure; for I cannot imagine that they have more reason to rejoice in theirs. 3. Who is that Robert Wright and that unknowne Knight, who endeavour to make divisions between the kingdomes by their letters and false informations? Have we not expressly covenanted to discover all such as are incendiaries between the tuo kingdoms, and to bring them to publick triall, that they may receive condign punishment, according as their offence may deserve? And are we not also oblidged to endeavour that the tuo kingdoms may remain conjoyned in a firm peace and union to all posterity? 4. I desire to understand whether before this work be done they will insist in demanding their garrisons, in abridging or starving our forces, and in using all means in driving us home *re infecta*. When you have satisfied me in these particulars I will tell you more of my mind; in the mean time, believe me, if matters go there according to the speeches of many here, although none of the wisest, yet *non est temnere quod vulgus dictitat*. I know not what our Commissioners can say for themselves, that they have not given timeous warning of so great a change of disposition in our brethern, and I know it will produce more wofull effects then I desire to see; but God, I hope, will bring his work to a more gracious end, which shall be the earnest prayer and endeavour of your affectionate friend and servant.

St Andrews,
26*th January* 1645.

To the preceding Letters may be added the following document, which is illustrative of the Covenanting reign of terror in Scotland, when every Loyalist was branded as a "Malignant," and so many of them put to death without mercy.

John Spottiswoode, younger of Dairsie, eldest son of Sir John Spottiswoode, was grandson of the Primate, and nephew of Sir Robert Spottiswoode. Some notices of him are inserted at page 13 of this volume. This Petition was preserved by Sir James Balfour of Denmiln, Lord Lyon King-at-Arms, a zealous supporter of the Covenant, whose extensive Collection of State and other Papers forms one of the most important portions of the Manuscripts belonging to the Faculty of Advocates. "The Committee of Process," says Balfour (Annals, vol. iv. p. 28), "finds him guilty of tressone; the House approves the report, and sentences him to have his head chopped offe at Edinbrughe Crosse, to-morrow at two in the afternoone, and the Magistrates of Edinburghe ordained to see the sentence put to execution."

"CAPTAIN JOHN SPOTTISWOODE'S PETITION TO THE ESTATES OF PARLIAMENT BEFORE THE PRONOUNCING OF HIS SENTENCE, 28TH MAY 1650."

"My Lords,

"My genious and educatione haue altogider made me a stranger to the lawes, especially of this kingdom, so that my ignorance may seime to haue inwolued me in other men's gyltines befor I knew weill quhat was ther offence; and before I had ather the leassur or discretione to haue second thoughts, I was so far ingaged that a retrait grew almost als impossible as dangerous. Error is a labrynth out of which euery one hes not a thrid to lead him, zet it was not so much my reasone as my fortouns that ley entangled in these snares. I could eassily haue fred that, had the other been but a litle more propitious vnto me; I saw my ruine, but could not prevent it; I saw myselve and some other gentlemen made bot the bridges to pass ouer, and others ambitious desenges, nor could wee (although sensible eneuch both of the danger and disgrace) free ourselvs for the time of that slauerie. I speak nather to flatter nor to meritte, since all thosse excuses comes now but too lait, and I take God to witness that wee were not only

weyrie of that seruice, bot wer to leaue it so soune as opportunity could serue for our saue retreat. I was neuer ane enimy to my country of sett nor purposed malice; only I haue taken up some oppinion upon trust. I intressed myselue in thesse vnhappy diuisions which fell out betuixt the King and Parliament, before the ballance had inclined to tell one quhos syde the right was; afterwards a vanitie which faine wold vsurp the name of wertew, made me constantly adhere to that cause quhilk had still the worsse. Bot quhosse oxe or quhois asse haue I taken? Quhat one drop of blood haue I spilt in the quarrell? If I haue, then lett al myne be poured out for ane expiation. As for that bussiness of Philiphauche and my escape, the capitulation (the benefite quhereof can not be denayed me) bringes me offe. Quhay should ȝe seike waight to depresse one sunke low aneuche alredey in misery? For thesse late crimes quhereof ȝe accusse me, I will say nothing bot this, if any haue driuen one there ouen ends with the effusion of so much blood, and trouning away of so many poore soulis, they must giue me leiue to say, it is rather a Matchiuilian then Christian policie. For my pairt, if that blocke quheron I may chance to lay doune my head, can make ane stepe to aduance this King to his father's Throne, lett him with my blissing tread vpon it. And now, my Lords, I come to you not so muche to plead for a despicable lyffe, as to tell you it will be no great prope to the stait to have bulded vpon our ruines. Ther were neuer such a company of bedlames driuin wnto ane poyndfauld as wee. Zou had better giue ws helebor then hemlocke to drinke. Ther may be a litle honestie, but bett ws in a mortar, you shall not find a dram of right vnderstanding, of poore, nay, of common sence amongst ws all. I wounder ȝe make ws not rather your sporte, your recreation, then your bussines. Thinke you that we all could make anie attoniment for the sinnes of this people? or that the destroying angell will passe be, quhen he sees our blood sprinkled on the posts of your doores? I am affraid that that zeal wich would seime to purge it shall bring a greater guiltiness on the land. God (in quhois place ȝe now sitt) of all his attributes delights most in his mercy towards the sinnes of men; doe you so, and I am assurid it shall neuer repent you. Quhen our dusts are blendit togider, quhen my

worms shall be all great and als happy as yours, the comfort and reward of this shall remain with you. God of his mercey dispose your heartes to this mercey, or me to constancey and patence in suffering.

Sic subscribitur,

" Jo. Spotswood."

This strange Petition, which, if genuine, must have been written under feelings of strong excitement, was, it is almost unnecessary to add, unsuccessful. Balfour accordingly notes—" This day (29th May 1650), at 2 o'clocke in the afternoone, conforme to the sentence of Parliament, Sir Johne Horrie (Urry) and Cap: Jo: Spotswoode wer executte at the Crosse of Edinbrughe. Sir Jo: Horrie was penitent, and confessid that his grate and manyfold sinns against God had brought him to that so publicke ane end. Bot Johne Spotswood deyed in a furey and rage, almost distracted of his witts, and wold confesse nothing." Historical Works, vol. iv. p. 32.

LOCHIEL'S INTERVIEW

WITH

SIR ROBERT SPOTTISWOODE

ON THE NIGHT BEFORE HIS MURDER AND HIS ACCOUNT

OF THAT TRAGEDY.

In the year 1842 Bindon Blood and James Macknight, Esquires, presented to the Members of the Abbotsford Club a privately printed volume in 4to, entitled "Memoirs of Sir Ewen Cameron of Lochiel, Chief of the Clan Cameron, with an introductory Account of the History and Antiquities of that Family, and of the Neighbouring Clans." These Memoirs were printed from the MS. of John Drummond of Balhaldy, a near relative of Lochiel, and "compiled at so recent a period after the events recorded, and from such unexceptionable sources, as to afford the most satisfactory guarantee of their authenticity."

Amongst the many valuable contributions to the general literature of Scotland recently given by the Literary Clubs of the North, Lochiel's "Memoirs" may take a very prominent place; indeed, a more readable volume never issued from the press, and its historical importance, from the mass of original and amusing information contained in its pages, is very considerable. This volume is, however, from the limited impression of copies, inaccessible to most people, and on that account, as well as on account of its intrinsic interest, we have ventured to extract Lochiel's interview with Sir Robert Spottiswoode the day before his murder. This "interview," according to a fragment relative to the Chieftain's death, amongst the Balhaldie Papers, "with Secretary Spottiswoode, was firing him thereafter with a generous ambition of acting the patriot, he retired to his own country, where his habitation was for the most part in the mountains, and his conversation only with such company as could best" [serve him.] * * * * *

Sir Ewen Cameron of Lochiel was born at Culheon Castle, Glenorchy, in 1629, and although through the greater part of a long and active life a zealous adherent of the royal cause, was actually brought up under the guardianship of the Marquis of Argyll, the worst probably of the many bad men who espoused the cause of the Covenant. Sir Ewen died in February 1719, at the advanced age of ninety. His age and infirmity prevented him from sharing in the Rebellion 1715; his eldest son John, however, took the field for the Stuarts, having, as a preparatory step, conveyed away his estate to his son Donald—a precaution which Donald was not wise enough to adopt when he turned "rebel," as the Lochiel estates were, whilst in his possession, forfeited to the Crown, and were not restored to the family until 1784, when it having been the policy of the Government to conciliate the old Tory families, a great portion of the forfeited lands were given back.

The following letter, appended to Wishart's Memoirs of Montrose,[1] and addressed by Sir Robert to that gallant hero the night preceding his execution, will be read with interest :—

"My Noble Lord,

"You will be pleased to accept this last tribute of my service, this people having condemned me to die for my loyalty to his Majestie, and the respect I am known to carry towards your Excellence, which I believe hath been the greater cause of the two of my undoing. Always, I hope, by the assistance of God's grace, to do more good to the King's cause, and to the advancement of the service your Excellence hath in hand, by my death, than perhaps otherwise I could have done being living ; for all the rubs and discouragements I perceive your Excellence hath had of late, I trust you will not be disheartened to go on, and crown that work you did so gloriously begin, and had atchieved so happily, if you had not been deserted in the nick. In the end, God will surely set up again his own anointed, and, as I have been confident from the beginning, make your Excellence a prime instrument of it. One thing I must humbly recommend your Excellence, that as you have done always hithertill, so you will continue, by fair and gentle carriage, to gain the peoples' affection to their Prince, rather than to imitate the barbarous inhumanity of your adversaries, although they give your Excellence too great provocations to follow their example.

"Now, for my last request, in hope that the poor service I could do hath been acceptable to your Excellence, let me be bold to recommend the care of my orphans to you, that when God shall be pleased to settle his Majesty in peace, your Excellence will be a remembrancer to him in their behalf, as also in behalf of my brother's house, that hath been, and is, mightily oppressed for the same respect. Thus being forced to part with your Excellence, as I lived so I die. Your Excellence's most humble and faithful Servant,

"Ro. Spottiswood."

St Andrew's Castle,
Jan. 19, 1646.

"For the Lord Marquis of Montrose his Excellence."

[1] Montrose's Memoirs. Edinburgh, 1756. Appendix, p. 344, 345.

LOCHIEL'S INTERVIEW

WITH AND HIS ACCOUNT OF

THE MURDER OF SIR ROBERT SPOTTISWOODE.

MONTROSE having relived all who were confined by the Covenanters for their loyalty, dispatched the principall of the Nobility and Gentry to their several countreys, to conveen their vassals, and levey what forces they could, but especially horse, which he wanted most; and expected soon to be at the head of such an army as wowld enable him to retrive his Majestie's affairs in England, which were then in a very bad situation.

He was much incouraged in his designs by the arrivall of Sir Robert Spotiswood, Secretary of State for Scotland, from the King, a person of great honour and merit, ane eminent lawyer and an able statsman. He was sone to the famous Archbishop Spotiswood, and being in his younger years bred to the law, he made a good figure at the Bar, and was afterwards advanced to the office of President of the Court of Session, wherein he acquired great reputation by his integrity and knowledge. When the Rebellion broke out, he relived to the King, and upon the Earl of Lannerk's defection was made Secretary of State. He brought a commission from his Majesty to Montrose, constituting him Captain-General and Deputy-Governour of Scotland, with ample powers to hold Parliaments, creat Knights, &c.; and soon thereafter falling into the enemy's hands, he, for this very piece of service, lost his head, in the manner that shall be by and by related.

Thus invested with the royall authority, Montrose issued out writs for calling a Parliament, which he appointed to meet at Glasgow upon the 20th of October thereafter. But

before that time the scene changed, and his enemys soon effected, by their treachery, what they cowld not do by their valour; for those that fled to Berwick, having wrote to David Lesslie, who commanded the Scots horse in the service of the English rebells, then imployed in the seige of Heriford in Wales, to march speedily to their relief, he returned answer, that he would soone come with such a body of good troops as wowld cutt Montrose to pices; and desired them to endeavour, in the meantime, to draw him furder southward. This they not only effected, by means of some treacherous Lords, who pretended great loyalty to the King; but, also by proper instruments, raised a kind of mutiny in his army. Macdonald, who commanded the Irish, and whom Montrose had knighted but a few days before, was the first that left him with the greatest part of those troops, under pretence of revenging his father's death, whom he said Argyle had murdered. The Athol men, and other Northern Highlanders, likewaise followed his example, and in a few days thereafter he was obliged to permitt the rest to retire to their several homes for some days, in order to repair their houses, which the enemy had burnt; whereby his army was reduced to 700 foot, and 200 gentlemen on horseback, who had lately joyned him.

However, with these he marched to Philliphaugh, where matters were so mannaged by these traiterous Lords, who pretended to be his friends, that he was surprized and defeated by David Lesslie, who tooke the advantage of a fogy morning, and inclosed and surrounded him with 6000 horse, before it was heard he was in that neighbourhood. Montrose himself escaped with about 150 horse, and his foot withdrew to a little hold which they mentained till quarter was granted them by Lessly, but, being disarmed and brought to a plain, they were all inhumanly butchered by the instigation of the barbarous preachers that attended him.

Among others were taken the Earl of Heartfell, predecessor of the Marquis of Annandale, the Lords Drummond and Ogilby, Sir Robert Spotiswood, William Murray, brother to the Earl of Tullibardine, Alexander Ogilby of Inverwharrity, and Collonell Nathaniell Gordon, whom they reserved for a more solemn death. They executed three of

them at the Cross of Glasgow, to witt, Sir William Rollock,[1] Sir Philip Nisbit, and Inverwharrity, though but a youth scarse 18 years old; and Mr David Dick,[2] one of their principall apostles, was so pleased with the sight of this trajedy, that he said, in a rapture of joy—"The work goes bonnily on!" which afterwards passed into a proverb.

The Parliament meeting at St Andrews upon the 26th November thereafter, they brought the rest of the prissoners thither to receive their doom. The Marquess of Argyle brought Locheill with him to this bloody assembly. Though that gentleman was yet too young to make any solid reflections on the conduct of his guardian, yet he soon conceived an aversion to the crewelty of that barbarous faction. He had a custome of visiteing the state prissoners as he travelled from city to city; but as he was ignorant of the reasons why they were confined, so he cowld have no other view in it but to satisfie his curiosity. But he had soon an opportunity of being fully informed.

The first that were appointed to open the trajedy was the Earl of Heartfell and the Lord Ogilby. But the last having had the good fortune to make his escape on the night preceeding the day designed for his execution, by exchaingeing cloaths with his sister, who supplyed his place till he was gone; and Argyle, conceiving that he was favoured by the

[1] As to Sir William Rollo or Rolloek, the following singular anecdote is from Sanderson:—

"He was sent to the King after the battle of Aberdine, and taken prisoner and eondemned; but upon Arguile's offer of life, he was dealt with to murder Montrose, whose life he valued far above his own, and to save him he accepted this offer, and so got loose, and instantly found out by Montrose discovering all, which saved Montrose for the present, and was the cause of his own suffering, promising upon his word, that if he did not doe it, to return prisoner by such a day, which he did, to the greif of Montrose, and paid dear for it to the death." Sanderson's Life of Charles I. 1658. Fol. 971.

[2] See the reference to Bishop Guthrie's Memoirs, corroborating this statement as to the extacy of this "pious minister of the Gospel," at p. 205. Burnet, who, from his evident bias in favour of that sect, would have given a very different account if he could have done so conscientiously, draws the following picture of these gentry—

"True morality was little studied or esteemed by them. They were generally proud and passionate, insolent and covetous. They took much pains among their people to maintain their authority: they affeeted all the ways of familiarity that were like to gain on them; even in sacred matters, they got into a set of very indecent phrases." Burnet's History of his Own Time. Oxford, 1833. vol. i. p. 62, 63.

Hamiltons, his relatives, did, in meer spite to them, safe the Earl of Hartfell, whose blood they thirsted for.

Ogilby's escape occasioned Sir Robert Spotiswood, and the other two who were under sentence of death with him, to be confined in so strick a manner, that even their nearest friends and relations were discharged access. Locheill had, after his usewall manner, formed a designe of seeing them before their execution; and the difficulty of effecting it increased his curiosity, and added to his resolution. He took ane opportunity, when the Marquess was bussy; and walking alone to the Castle, where they were confined, he called for the Captain of the Guard, and boldly demanded admittance. The Captain doubtfull what to doe, and excuseing himself by the strickness of his orders—"What!" said Locheill, "I thought you had knowen me better than to fancy that I was included in these orders! In plain terms, I am resolved not only to see these gentlemen, but expect you will conduct me to their apartments." These words he spoke with so much assurance, that the Captain, afraid of Argyl's resentment if he dissobliged his favourite, ordered the doors to be opned, and leading the way into Sir Robert's room, excused himself that he could not stay, and retired.

That venerable person appeared no way dejected, but received his visitant with as much cheerfulness as if he had enjoyed full liberty. He viewed him attentively all over; and having informed himself who he was, and of the occasion of his being in that place—"Are you," said he, "the son of John Cameron, my late worthy friend and acquaintance, and the grandcheild of the loyal Allan M'Coildui, who was not only instrumentall in procuring that great victory to the gallant Marquess of Montrose, which he obtained lately at Inverlochy, but likewaise assistant to him in the brave actions that followed, by the stout party of able men that he sent along with him?" And then imbraceing him with great tenderness, he asked how he came to be putt in the hands of the Marquess of Argyle? And Locheill, having satisfied him as well as he could—"It is surprizeing to me," said he, "that your friends, who are loyall men, should have intrusted the care of your education to a person so opposite to them in principles as well with respect to the Church as to the State! Can they expect you will learn any thing at

that school but treachery, ingratitude, enthusiasm, creuelty, treason, disloyalty, and avarice?"

Locheill excused his friends, and answering Sir Robert, that Argyle was as civil and carefull of him as his father cowd possibly be, asked him why he charged his benefactor with such vices? Sir Robert answered—That he was sorey he had so much reason; and that, though the civility and kindness he spoke of were dangerous snares for one of his years, yet he hoped, from his own good disposition, and the loyalty and good principals of his relations, he wowld imitate the example of his predecessors, and not of his patron. He then proceeded to open to him the history of the Rebellion from its first breacking out, and gave him a distinct view of the tempers and charracters of the different factions that had conspired against the Mytre and Crown; explained the nature of our constitution, and insisted much on the piety, innocence, and integrity of the King. In a word, he omitted no circumstance that he judged proper to give a clear idea and conception of the state of affairs, which he related with great order. Locheill was surprized at the relation, and listened with attention. Every part of it affected him, and he felt such a strange variety of motions in his breast, and conceived such a hatred and antipathy against the perfideous authors of these calamitys, that the impression continued with him during his life.

Sir Robert was much pleased to observe that his discourse had the designed influence. He conjured him to leave Argyle as soon as possibly he could; and exhorted him, as he valued his honour and prosperity in this life, and his immortal hapiness in the nixt, not to allow himself to be seduced by the artefull insinuations of subtile rebells, who never want plausible pretexts to cover their treasons; nor to be ensnaired by the hypocriticall sanctity of distracted enthusiasts; and observed, that the present saints and apostels, who arrogantly assumed to themselvs a title to reform the Church, and to compell mankind to belive their impious, wild, and indiggested notions, as so many articles of faith, were either excessively ignorant and stupid, or monsterously selfish, perverse, and wicked.[1] "Judge

[1] Of the wickedness of these pretended Saints several instances are given in Lochiel's Memoirs. The following may be taken as a speeimen :—

alwayes of mankind," said he, " by their actions; there is no knowing the heart. Religion and virtue are inseperable, and are the only sure and infalible guids to pleasure and happiness. As they teach us our several dutys to God, to our neightbour, to ourselvs, and to our King and countrey, so it is impossible that a person can be indued with either, who is deficient in any one of these indispensible duties, whatever he may pretend. Remember, young man, that you hear this from one who is to die to-morrow, for endeavouring to perform these sacred obligations, and who can have no other intrest in what he says, but a reall concern for your prosperity, hapiness, and honour!"

Several hours passed away in these discourses before Locheill was aware that he had stayed too long. He tooke leave with tears in his eyes, and a heart bursting with a swell of passions which he had not formerly felt. He was nixt conducted to the appartment of Collonell Nathaniel Gordon, a handsom young gentleman, of very extraordinary qualities, and of great courage and fortitude; and having condoled with him for a few moments, he went to that of William

" The countrey people submitted, upon quarters granted for life and liberty; but one Mr John Nevay, a bloody preacher, seconded by the Marquiss, prevailed upon Lesly to break his word; and after disarming them, to put them all to the sword without mercy; but Lesly, struck with horrour at so barbarous a carnage, turning about to Nevay, who was walking with the Marquiss over the ankles in blood, said—'Now, Mess John, have you not for once got your full of blood.'" These words saved 18 persons, who were carried prisoners to Inverary, where they had been suffered to starve, if Lochiel, who privately visited them once a-day, had not ordered victuals to be secretly conveyed to them by his own servants and others, in whom he could confide.—Memoirs of Cameron of Lochiel, Abbotsford Club, Edin. 1842.

See also Bishop Burnet's Statement—" Upon this occasion (the Marquiss of Argile and the preachers shewed a very bloody temper) many prisoners that had quarters given them were murdered in cold blood, and as they sent them to some towns that had been ill used by Lord Montrose's army, the people in revenge fell on them and knocked them on the head. Several persons of quality were condemned for being with them, and they were proceeded against both with severity and with indignities. The preachers thundered in their pulpits against all that did the work of the Lord deceitfully; and cried out all that were for moderate proceedings as guilty of the blood that had been shed. 'Thine eye shall not pity, and thou shalt not spare,' were often inculcated after every execution; they triumphed with so little decency, that it gave all people very ill impressions of them."—Burnet's History of his Own Time, Oxford, 1833, vol. i. p. 71, 72.

Murray, a youth of uncommon vigour and vivacity, not exceeding the nineteenth year of his age. He bore his missfortune with a heroick spirit, and said to Locheill, that he was not affraid to die, since he died in his duty, and was assured of a happy immortality for his reward. This gentleman was brother to the Earl of Tulliebardine, who had interest enough to have saved him; but it is affirmed by cotemporary historians that he not only gave way to, but even promotted his tryall, in acquainting the Parliament, which then demurred upon the matter, that he had renounced him as a brother, since he had joined that wicked crew (meaning the Royalists), and that he wowld take it as no favour to spare him. Of such violence was that faction as utterly to extinguish humanity, unman the sowle, and drain off nature herself. And it may be observed than an ungoverned zeale for religion is more fruitfull of mischief than all the other passions putt together.

The nixt day the bloody sentence was executed upon these innocents. Two preachers had, for some days preceeding, endeavoured to prepare the people for the sacrifice, which, they said—"God himself required, to expiate the sins of the land!" And because they dreaded the influence that the dieing words of so eloquent a speaker as Sir Robert Spotiswood might have upon the hearers, they not only stopt his mouth, but tormented him in the last moments of his life with their officious exhortations and rhapsodies.

Locheill beheld the trajedy from a window opposite to the scaffold, in companey with the Marquess and other heads of the faction. The scenes were so moveing that it was impossible for him to conceal his excessive griefe, and indeed the examplearey fortitude and resignation of the sufferrers drew tears from a great maney of the spectators, though prepossessed against them as accursed wretches, guilty of the most enormous crymes, and indicted by God himself, whose Providence had retaliated upon themselves the mischiefs they had so often done to his servants.

When the melancholy spectakle was over, Locheill, who still concealed the visite he had made them, tooke the freedom to ask my Lord Argyle—"What their crymes were? For," said he, "nothing of the criminall appeared from their behaviour. They had the face and courage of gentle-

men, and they died with the meekness and resignatione of men that were not consious of guilt. We expected to have heard an open confession of their crymes from their own mouths; but they were not allowed to speak, though I am informed that the most wicked robbers and murderers are never debarred that freedom!"

His Lordship, who was surprized to hear such just and natural observations come from so young a person, and willing to efface the impressions that such objects commonly make upon generous minds, employed all his arte and eloquence, whereof he was a great master, to justifie the conduct of his party, and to paint the actions of his antagonists in the most odious colours. And because he on no other occasion, that we hear of, ever endeavoured to byass the mind of his pupill either in favour of one faction or other, I shall here recite a few of the particulars, which will give the reader some light into the policys and arguments made use of by that party in defence of their procedure:—He said, that the behaviour of the sufferers did not proceed from their innocence, but from certain confirmed oppinions and principils which were very mischivious to the publick, and had produced very fatal effects: That the crymes of robbry, murder, theft, and the like, were commmonly committed by mean people, and were too glaring, ugly, and odious in their nature, to bear any justification, and that, therefor, it was for the benefits of mankind that the criminal should recite them in public; because the designe was not to make converts, but to strike the audience with horrour: That the Provost did wisely in not allowing the criminals to speake, and especially Sir Robert Spotiswood, for he was a man of very pernitious principles, a great statesman, a subtile lawyer, and very learned and eloquent, and therefore the more capable to deduce his wicked maxims and dangerous principales in such an artfull and insinuating manner, as wowld be apt to fix the attention of the people, and to impose upon their understanding: There is such a simpathy in human nature, and the mind is so naturally moved by a melancholy object, that whatever horour we may have at the cryme, yet we immediately forgett it, and pity the criminall when he comes to suffer: The mind is then so softened, that it is very apt to take such impressions as an artefull speaker is inclined to

impress upon it: The misery of his condition is an advocate for his sincerity; and we never suspect being imposed upon by a person who is soon to die, and who can have no intrest in what he endeavours to convince us of; and yet experience shows us great numbers who dye in the most palpible and pernitious errors, which they are as anxious to propogate even at the point of death, as they were formerly when their passions were most high.

His Lordship then proceeded to open the cause of the wars, and accused the King and his Ministers as the sole authors. He alleaged that the Massacre of the Protestants in Ireland was by his Majestie's warrand: That all the oppressions in England, the open encroachments upon the civil and ecclesiasticall libertys of Scotland, and all their other grivances, were the effects of the King's assumeing an absolute and tyranical authority over the lifes, libertys, and propertys of the subject: He inveyed against Montrose and his followers, not only as the abettors of slavery and tyrany, but as common robbers, and the publick enemys of mankind: He said that the malefactors who were executed were guilty of the same cryms, and that they justly suffered for murder, robery, sacralege, and rebellion. In a word, he plead his cause with such a perswasive eloquence, and with such seeming force of argument and reason, that his discourse wowld have doubtless made dangerous impression upon the mind of his young pupill, if it had not been wholly prepossessed by the more solid reasonings of Sir Robert Spotiswood. That great man had fully informed him of all that was necessarey to prevent his being thereafter imposed upon; and there is such a beautifull uniformity in truth, that it seldome misses to prevail with the generous and unprejudiced.

But Locheill did not then think it proper to return much answer, or to open his true sentiments of the matter. All he said was, that he was informed that Montrose was a very brave man, and that though he had killed many in battle, yet he never heard of any that he had putt to death in cold blood; that he wondered that so good a man as the King was said to be could be guilty of so much wickedness; and that he believed it either to be the missrepresentations of his enemys, or the doeings of these that mannaged for him;

that he was too young, but he thought it hard that any man should suffer for what he believed to be true; and that if the gentlemen, whom he saw goe to death with so much courage, were guilty of no other crimes but fighting for the King whom they ouned for their master, and differing in points of religion, he thought our laws were too severe!

Locheill, after this, resolved to take the first opportunity of returning to Lochaber. He was now seventeen years old, and the horrour of so maney executions, the injustice he thought done to the King, and the aversion he had conceived against his enemys, inflamed him with a violent desire of exerting himself in that cause, and of joining Montrose, who now again began to make a figure.

SPEECH

OF

ONE OF THE BARONS OF THE SHIRE OF BERWICK,

AT A

MEETING OF THE BARONS AND FREEHOLDERS OF THAT SHIRE
FOR CHOOSING COMMISSIONERS TO REPRESENT THEM
IN THE ENSUING PARLIAMENT, SUMMONED TO
CONVENE AT EDINBURGH THE 12TH DAY
OF NOVEMBER 1702.



At the Restoration the sentence on Sir Robert Spottiswoode was reversed, but his descendants received no compensation for the pecuniary losses the inflexible loyalty of their predecessors had occasioned to the family. Alexander Spottiswoode, the second son, and ultimately representative of the Lord President, made application to Charles II. for the price of New Abbey, which had never been paid by his royal father, and got a new signature ; but the re-establishment of Episcopacy rendered the grant inoperative, as possession was resumed by the Bishop of Edinburgh.

Alexander Spottiswoode acquired the lands of Warristone, and procured a crown charter from Charles II.[1] He was a member of the Bar, and died, according to Douglas, in 1675. He was twice married, first to the daughter and heiress of Sir John Home of Crumstain, by whom he had one son, Alexander, who died unmarried ; and, secondly, to Helen, daughter of John Trotter, Esq. of Mortonhall, by whom he had John his heir, Robert who died young, and two daughters.

John Spottiswoode, like his father, was a disciple of Themis. He passed Advocate in 1696. His professional knowledge was considerable, and for a series of years he gave lectures in jurisprudence which were well attended, and he was author of various works on Scottish Law much esteemed at the time. He published the Practics of his grandfather the Lord President, to which he prefixed a life. He wrote a treatise on the Law of Election, the first edition of which was printed in 4to at Edinburgh, 1710.[2] He prepared a series of Styles for the use of the Profession, which was very popular, and which may even at this date be consulted with advantage. The following is the quaint title given by him to his compilation :—"Compend or Abreviat of the most important Ordinary Securities of and concerning Rights, personal and real, redeemable and irredeemable, of common use in Scotland, containing above an hundred Different Securities collected from the Stiles of several Writers to the Signet, and others deceased, with the Symbols and Solemnities required by Law and Custom for perfecting and making valid their Rights and Writs."

[1] Dated 28th August 1662.

[2] A more enlarged edition was printed at Edinburgh in 1722, 8vo.

Gen. xxiii. 20.—'And the field and the cave that is therein were made sure unto Abraham for possession.'"—Edin. 1702, 8vo.

This edition has not the author's name. There is appended an exposition of the most material words in charters, sasines, and other writs, omitted in the later editions. A third edition, much enlarged, appeared in 1727, 8vo.

In 1708 was published "Ane Introduction to the Knowledge of the Stile of Writs, semple and compound, made use of in Scotland, &c." Edinburgh, 1708, 4to. On the copy in the Advocates' Library there is inscribed in the author's neat and distinct handwriting—"Mr Joannes Spotiswoode de eodem, hunc librum cujus ipse est Auctor Bibliothecæ Facultatis Juridicæ quæ Edinburgi est, donavit 1708." Spottiswoode was also author of a treatise on the Form of Process before the Court of Session, to which is prefixed some prefatory account of the College of Justice.

Mr Spottiswoode's publications were not limited to legal matters, as in 1703 he printed a speech, which had been delivered by him in presence of the freeholders of the county of Berwick, and in 1706 he favoured the public with his views on the Union. Both of these pamphlets are included in this Collection. These were published anonymously, but Bishop Archibald Campbell and old Robert Mylne (a well-known book collector and antiquary of the last century), whose accuracy in such matters cannot be disputed, have inserted his name as author on the title-pages of their respective copies of the two productions now in the Library of the Faculty of Advocates. On the latter Mylne has written the date of publication, viz. "December 6, 1706."

Among the Anderson Papers are some documents relative to Spottiswoode, indicating the friendship that subsisted between him and Mr Anderson.[1] Apparently they had been much together in early youth, and it is not improbable, from the writing immediately noticed, that Anderson and Spottiswoode were brought up in the same office, it being then, as now, deemed highly expedient for aspirants to the *Toga*, to have the advantage of that practical knowledge of Form which alone can be acquired in the chambers of a writer to the signet or agent. The paper referred to, which forms the note,[2] bears date the 4th September 1697, is witnessed by Walter Anderson and John Grierson, writers in Edinburgh—the latter of whom was subsequently Mr

1 James Anderson, Esq. to whose exertions Scotland owes the publication of a volume well known to antiquaries, entitled Diplomata Scotiæ, and the author of a very able "Essay on the Independence of Scotland," in opposition to the claim of feudal superiority set up by England. He was the only surviving son of the Reverend Patrick Anderson, minister of Walston, and Margaret Thriepland. His only sister, Mary, married David Pitcairn of Dreghorn. Anderson Papers, vol. viii. No. 145.

2 "I, John Spottiswood, advocate, declare, that after compting with Mr James Anderson, writer to the signet, in relation to our mutual charge and discharge of writings, and mutal borrowings, loanings, and debursments of money betwixt him and me, all compts are cleared, and I, on my part, discharge him, preceeding this day, of whatever I can claim. And because at clearing there fell to be given up a ticket for a hundred merks, lent on one or other of the days of March last written by himself; and that the same note is fallen by, so as I cannot get at it at present to deliver it up to be cancelled and destroyed; therefore, I not only discharge and declare that the foresaid ticket for the hundred merks is void and null, and all other notes and tickets, preceeding this day, from this time forth, and further, to all intents and purposes, that I, or any other who may derive right or claim in and through me, can pretend or alledge, but also, I bind and faithfully oblige myself and my successors whosoever, to use all endeavours to recover that note, and when got, to exibit the same to the said Mr James and his successors, to be enrolled as a bonde. And this, however, I bind me to warrant at all hands, and against all deadly."

James Anderson's managing clerk, if not partner, and purports to be a mutual discharge in relation to "writings and mutual borrowings, loanings, and deburscments of money betwixt him and me."

The extent of the intimacy subsisting between the parties may be inferred from the following letter addressed by Spottiswoode to his friend relative to the illness of Mrs Anderson, which had occurred during her husband's absence in England.

"Sir—Your wife has been extraordinary sick, and I haveing gone to the countrey a few dayes, at return I found her to have been in very dangerous condition. She has been troubled with a violent flux, which is only abatted, but not quyte gone. She has been, and still is, sorely undone by her colicks, which, as she is weaker then formerly, so they the more pressed her. She is become so sickly and tender, that her whole strength is butt sufficient to flitt her from the bed to the elbow chair. I think she is some better since I came to town, tho' I can't say she is free from danger. She wonders you did not write last post, nor took notice of the account of the sickness was sent Thursday's post, which was conceived in mild terms that you might not be surprysed. She expects you'd dispatch what business you have at Durham and hasten home, for you'r long'd for by your whole family, and your clients misse you. This is sent to surprize you, for I hope there's no fear of any hidden accident; but her patience seems to be a little languishing. It is my opinion you should forward your return. My service to all friends where you are. I am, Sir, yourhumble servant and comerade,

"J. Spottiswood.[1]"

"*Edinburgh*, 21*st September* 1703."

In the reign of King William, Mr John Spottiswoode applied by petition to the Scotish Parliament for restitution of his estate of New-Abbey, or an equivalent for the same. And though his claim was acknowledged to be just, yet even then he obtained no redress. In the year 1700 he purchased the lands and barony of Spottiswoode from the heirs of the Bells (who acquired it from the ancient owners,) after they had possessed it about eighty years.[2]

[1] Mr Spottiswoode's sister Janet, afterwards married to Brown of Thornydyke, gave Mr Anderson the following commission for the newest London fashions:—

"Sir—I presume to give you the trouble of this line, intreating you would do me the favour to buy me a fashionable scarfe and hood. The scarfes that are thought most fashionable in this place are those that are ruffled, with colloured luttstring; but, Sir, I can not determine to make a choice. You being in a place wher every thing is fashionable, I leave it to your owne fancy, which I know to be very good. As for money, I shall give it to your lady, because I know not any other way to give it you, I not having the good fortune to see you before you went for London. Sir, I hope you will pardon this trouble from your friend, who wisheth you health and a safe returne to Scotland, and rests your humble serwant,

"Janet Spotiswood."

"*Edin.* 25 *Dec.* 1703."

It was perhaps to this commission that Mrs Anderson refers in one of her letters, without date, to her husband.

"Be careful of Mrs Janet Spotiswoode's commission, and doe not take that to be a patron, but choice it as near the colour as possible, for she leaves it wholly to yourselfe. Let it be a blue gown lyke to the patron, and a whyt flower."—Anderson Papers, vol. iii. Mrs Anderson's maiden name was Jean Elies, and she was a daughter of Elies of Elieston. They had a large family. Unfortunately differences ensued which led to a separation, and from the discharges for her aliment terminating in 1712, it is probable she died towards the end of that year.

[2] The crown charter of resignation is dated 13th March 1700.

In 1710 he married Helen, daughter of Robert Viscount of Arbuthnot, widow of John Macfarlane of that Ilk, by whom he had one son, John, his heir—and two daughters.

1. Helen, married John Gartshore of Aldertson, Esquire, without issue.
2. Anne, married to Dr. James Dundas of the family of Arniston, an eminent physician in Edinburgh. By him she had two sons, Charles and John, who both died without succession.

Mr Spottiswoode died in the year 1728, leaving an only son John, who married, in the year 1740, Mary, eldest daughter of John Thomson of Charleton, Esquire, in the county of Fife, by whom he had a large family. In the year 1739 he endeavoured to recover the lands of New-Abbey, and certain proceedings to that effect were instituted in the Court of Session. Douglas asserts that he obtained a charter from George II. of the lands, upon which infeftment followed; but whether he took any benefit by this grant is uncertain.

SPEECH

OF

JOHN SPOTTISWOODE, ESQ.

TO THE

BERWICKSHIRE FREEHOLDERS.

GENTLEMEN,

BEFORE we go to the choosing of our Commissioners, it may be thought proper that we discourse and reason amongst ourselves concerning these matters, which, in all likelihood, shall fall under the consideration of the ensuing Parliament; and as I think the chief ones will be, the *Union of the Kingdom of Scotland and England*, and *the Succession to the Imperial Crown of this Realm*, upon both which it is fit, that our Commissioners know the sentiments of the Barons and electors of this shire, and that it be recommended to those that they, as near as possible, observe the opinion of their constituents; in doing which they'll acquit themselves honourably, and give us entire contentment, what ever the event be.

Having begun to speak on this matter, I shall proceed to tell my thoughts on these two heads, that I may give occasion to others who are of more experience, and may be of more understanding.

First, then, as to the Union. We cannot fancy a more deplorable state than ours has been since King James the Sixth came to the throne of England. Our nation has been despis'd—our interests neglected both at home and abroad, —our Princes and Statesmen under the influence of the *English*, who make us partake with them of the calamities of war, but we enjoy none of the conquests, and when peace is

made we are not so much as nam'd: so that the benefit of the leagues and treaties of commerce which we had before the year 1603 are lost, and we're more enthralled by the English then if we were conquered by them.

Wherefor it is necessary, that as we are united in the head, we be likewise united in the body; and if that cannot be obtained without derogation to the dignity of this crown and countrey, that measures be laid down for an entire disjunction after her Majistie's decease without issue. But in examining the Articles of Union to be proposed to the ensuing Parliament, it may be recommended to our Commissioners not to be over nice, but to labour sincerely after a firm Union. I could instance, in the histories of severall countries, examples of a voluntary union of two distinct people, such as is now to be treated of, which may serve as a rule, and ought at this time to be examined, but that were to make bade use of your patience and this present occasion.

The next thing which will probably be considered in the ensuing Parliament is the succession to the Crown of Scotland after the decease of her present Majesty, whom God long preserve, upon which I shall tell my mind very freely.

The Scots nation may glory in their loyalty to their native Prince, and that without interruption in a linneal decent we have been governed by 112 Kings and Queens of the same royal blood these 2000 years and upwards, which no other nation under heaven can boast of.

Our Princes have been banished, and a loyal party, too, forced to abscond, and that oftener then once or twice. The first instance I at present remember of is in the reign of Eugenius the 1st and Fergus the 2d. But it was the pleasure of God Almighty to restore all again.

It is the interest of every state who are governed by kings hereditary to have a numerous family, and that the manner of succession be distinct and determined; for thereby we come to be governed by persons of our own blood and country, who are naturally supposed to be more affectionate and kind than strangers, and next we're secure and free from intestine broils and civil wars, the heaviest judgment can befal a people.

At the first institution of the *Scots* monarchy, our ancestors, for themselves and us their posterity, oblig'd them-

selves and us, by oaths, to obey none but such as should descend from Fergus the First, and till this day we have faithfully kept that oath.

When the late King James the VII. abdicated the Government, it pleased the Convention of the Estates of this Kingdom to give allegiance to such of the Royal Family as were then capable to govern, without taking notice of others under age, and by a pause put to the nomination in the act seem'd either to refer the consideration of the case of others to another occasion, or tacitly to agree that the first in blood should be first in the right of succession. Now this silence may occasion disturbance in the State, and make those who are invidious of the glory of the antiquity of our Royal Family, contribute what they can to abridge the line of succession; so it is necessary that the matter of succession, which by the foresaid act is become dubious, be again ascertained and determined.

It is not unknown that not many years ago we celebrated the birth of the son of the late King James, upon whom the title of Prince of Wales was conferred, and that we thanked GOD in our churches for the blessing of augmenting the Royal Family: and it is not to be forgotten that among other aspersions against the late King, it was reported that he had imposed that Prince on his people, and that he was a bastard, and some bold wretches of these times undertook to afford evidence.

This imputation was most heinous, and deserved examination, for it is great dishonour to a nation ever to have had a Prince guilty of such a crime, and to settle the minds of the people in general, a trial was requisate. Besides, it would signify to the world that the late Revolution had more causes then one; so that none of the Princes of Europe might take any notice of the impostour, what ever title he should assume.

The wisdom of the nation has thought fit to defer this examination, and I humbly move that our Commissioners be desired to crave that the ensuing Parliament make enquiry into the legitimacy of the Prince of Wales now, when the matter is fresh before us, and while evidence may be got. This trial is necessary to satisfy the minds of this people, whose sentiments you very well know are divided on

this head. And it is the duty of rulers, and the interest of a people to have a matter of this importance clear'd; for if he be an impostour, why is it not declared? if he be lawfully born, why do we suffer the father and brother of our present Sovereign to be so maliciously injured?

I do not speak this as a favourer of any particular person, but of respect to the Royal Family, and out of a sincere desire of the peace and welfare of my country, which I see is nearly concern'd in this matter. For albeit by the laws of this kingdom, that Prince is declared incapable to exerce the Royal authority, through his professing the superstitions and errors of Rome, yet it may fall out that he or his posterity may, by God's grace, be converted to our own faith (which all good Protestants and Christians ought dayly to pray for, as well in his respect as in that of mankind), and by being Protestant, shall be rendered capable to rule his native country.

Now, this brings me to tell my sentiments of a successor; and first, none of the Royal Family being by name excluded, all are capable to succeed, they being qualified as the law requires; next, all Papists are declared incapable.

That which at this time may be thought proper to be done, were to confirm the laws excluding a Popish successor, and to declare who of the Royal Family at this time are Protestant. But if we require of the successor to be of our own confession, we'll exclude all the descendants of King James the 6th, and be forced to seek for a King among ourselves.

But this declaration being derogatory to the natural right of others, charity, and the earnest desire after the conversion of all men to the true faith, should oblige us to use reasonable endeavours towards converting those of the Royal Family who are more near in blood; and if the attempt prove unsuccessful, the deed of secluding a Popish or otherwise heterodox successor, would seem more justifiable; and we ought to judge the more soberly in this point, seeing it is not long since our forefathers got out of Egypt, and (for the most part of ourselves) our being Christians or Protestants is more owing to the blessing of education, than to a serious examination and true instruction in matters of religion.

To bring about a conformity in religion and manners betwixt the Royal Family and us, it were to be desired that the Parliament in their wisdom would invite the successors of nearer degree who are Popish, or heterodox in religion, and in a foreign country, to live among us, to learn our customs, and to receive instruction from the professors of the reform'd religion ; and hostages, if required, might be given for the safety of the Prince or Princess, and for their return, if our endeavours to make them capable to succeed, prov'd unsuccessful. We ought not to dispair in this attempt, when we call to mind, that King James the Sixth, a faithful assertor of the Reformed Religion, was baptised with all the ceremonies of the Roman Church ; and that many of those of the Royal Family whose conversion is propos'd, have not as yet attained the years of discretion : and it would be the more easy that they would be under our own influence, and freed from the power of foreigners, enemies to our religion and interest. Besides, this would shew the sincere love and respect which, as in duty bound, we pay to the Royal Blood ; and in case of their obstinacy, would render them culpable of their own exclusion. It is certain, some neighbouring States will make their own use of these Princes of our Royal Family who come to be secluded, to disturbe the peace and welfare of this Isle, will keep them to threaten us with, on all occasions, till they get what they seek of us, and it may be feared that the Prince, who is benefitted by this seclusion, will, for his own quiet and security, become too complacent with the prospects of that neighbour who has his competitor in keeping. Nor is it to be suppos'd, but these secluded Princes of nearer degree will have a party among us ready to embrace all occasions to disturb the State for their sake ; and considering our past and present divisions, with the incessant endeavours used by the enemies of our religion and hapiness to foment them, I dispair of ever seeing this nation of one mind. Wherefore, I again urge that we follow the rules of Christian charity, bearing with one another's infirmity, and that we labour sincerely to have the Royal Family profess the same religion with their subjects, as an effectual means, by GOD's blessing, to obtain a lasting peace.

And whereas the succession of Kings is of greater moment

then that of private persons, it is hoped the seclusion of a Popish successor to the Crown will not be in terms more harsh and limited than these we have in the Act, which secludes Papists from their natural right of succession to private estates: and we ought to hope that the light of the Gospel shall overspred over the minds of all these who are in the darkness of Romish idolatry, and that all the Royal Family shall, sometime or other, be of the same religion with their subjects. Wherefore it is fitt a provision be made in case those of nearer degree, or their decendants, who are now Papists, should hereafter be capable to succeed. Besides, this limitation of succession being a restriction of the laws of nature and of GOD in his revealed will, and of our original constitution, is a sort of persecution of persons differing from us in religion, rejected by our Confession of Faith, as favouring to much of Popery itself.

When the Parliament comes to determine the succession, by naming one who is to succeed her present Majesty, failling issue of her body, I move our Commissioners be desired to oppose all oaths of abjuration of particular persons who are nearer in the line: and I wish the Government could satisfy themselves with the oath of allegiance, and a competent militia to maintain, for it seems to me we have not yet expiated our guilt of taking contrary oaths, and it is thought oaths now a days have lost their force and esteem of sacredness by their frequency and multitude.

It were to be wished our Commissioners would have a singular regard to the order and manner of doing business—that is, to discuss the matter of the Union of the two Kingdoms before they think of the Succession; for the union of the body will determine the union of the head, which cannot be deversified. And it is hoped the representatives of both nations will consider the case of those nearer in blood; for upon due examination it will be found that the matter is still entire, and I pray God may inspire those of the Royal Family who are next to her Majestie in the natural line of succession, with the true sentiments of God's glory, their country's good, and their own honour and interest.

If it happen, that the Articles of Union proposed be not agreed to, I move that our Commissioners be directed to name, as successor to her Majesty, any other person of

the Royal Family, except that Prince or Princess who is appointed to succeed to the Crown of England, that by all possible means we be speedly freed of this most unnatural conjunction, where the composition having different and seperate interests, acts not uniformly, and one part is becoming more and more vigorous, while the other is daily languishing, our blood and treasure being employed, without recruit, to make the English nation strong and rich.[1]

The Parliament of England has of late made sundry excellent laws for securing the interest and liberty of the subject. I wish our Commissioners would take notice of

[1] The whole tenor of this Speech is indicative of a strong predisposition in favour of the ejected Prince of Wales, and this feeling was pretty general in Scotland. Indeed, towards the termination of the reign of Queen Anne, who naturally wished to have her brother as her successor, the demonstrations in Scotland were tolerably open. Thus the gossiping Wodrow tells us (Analecta, vol. ii. p. 58), that on the 10th of June 1712—"The birth-day of the Pretender, I hear ther has been great outrages at Edinburgh by his friends. His health was drank early in the morning in the Parliament Close; and at night, when the Magistrates wer going throu the streets to keep the peace, severalls were taken up in disguise, and the King's health was drank out of severall windowes, and the glasses thrown over the window when the Magistrates passed by, and many windows wer illuminated. At Leith there was a standart set up upon the peer, with a thistle, and 'Nemo me impune lacessit,' and J. R. VIII.; and beneath, 'Noe Abjuration.' This stood a great part of the day. This is very odd and open appearances."

The Scottish Archers were well known for their zeal for the exiled Prince, and in a letter written 16th June 1715, addressed to Wodrow, containing the news of the day, there is the following very amusing anecdote on the subject:—

"Upon Monday last the Royal Company of Archers, consisting of about 200, all clad in the old Scotish garb, made their parade thro' this town, and in Leith: they consist all of Jacobites, excepting 5 or 6. At night they came to the Playhouse, and betwixt the acts they desiered Sir Thomas Dyell [Dalzell] (who is mad) to order the musitions to play that air called 'Let the King enjoy his own again.' After it was over the whole house clap'd 3 times lowd, but a few hissed.

"The Generall E. Weems, Latherdale, and some others, went out, and after the play was over, the Generall ordered his Adgitant to beat them, and when he was doing of it, the people hissed, but he put his hand to his sword, and told them that he would answer any in the whole house, and then they turn'd calm, as is that party's custome."

The "mad" Sir Thomas Dalziell was the grandson of the General, and last heir-male of his body. The day selected for this display of the archers was the Prince's birth-day.

Did the gallant "Agitant" beat the musicians or the Archers, or both? Surely the former were the parties drubbed, and not the latter.

them, and particularly the articles in the Act of Settlement of their Government, where there are many excellent provisions, whereof the like, if enacted by the authority of our Parliament, will be very beneficial to this nation.

The shortness of time will not allow me to tell you here what these laws and articles are, but I hope I shall have occasion, in private conferences with our Commissioners, to point them out, and shew them other things which may be thought fit to be enacted for our security and happiness. It is enough for me at this time to have hinted at a few things which may be engaged and digested by others who have more knowledge in matters of State, only I shall say this for myself, none can have a more honest intention.

THE

TRIMMER:

OR

SOME NECESSARY CAUTIONS CONCERNING THE UNION OF THE KINGDOMS OF SCOTLAND AND ENGLAND,

WITH

AN ANSWER TO SOME OF THE CHIEF OBJECTIONS AGAINST AN INCORPORATING UNION.

Sæpe veritas et virtus in medio latent.
—— Medio tuti simus ibis.

EDINBURGH, PRINTED IN THE YEAR 1706.

THE

TRIMMER.

AS those children would be void of all natural affection, who could see their mother embarked in a ship under a dreadful tempest, in a narrow sea, and ready every moment either to split upon a Scylla on the one hand, or to be swallowed up in Charybdis on the other, and yet would not bewail her sad circumstances, and anxiously use all possible endeavours for her safety; so no zealous Christian, or true hearted Scotsman, can look upon the present state of affairs without tender bowels of compassion, and a passionate concern both for our Church and State.

It's obvious to any thinking person, what fatal consequences, dreadful convulsions, and terrible confusions must inevitably follow, if the project of uniting these nations miscarry.

For if England hath made such advances in vain, by repealing the laws and acts made against us, and showing an earnest desire to unite with us, who can think that a nation so powerful, so high, and so renowned and victorious, can put up such an affront? It's easie without the spirit of prophecy to foresee how they will resent it, by ruining our trade, pressing our seamen to serve in their fleet, prohibiting the buying of our black cattle and linen cloath, and, in a word, declaring us aliens; and I heartily wish they may stop there. Then Scotland, being deeply sensible of the repeated injuries received from England, pinched and extreamly straitened with want of money and decay of trade, and perceiving that now all hope of trade is cut off, that they can no more vent their cattel and linen, the poor remains of their sinking trade. What measures shall they take? Whither

shall they turn themselves? Can they tamely sit under the greatest affront, and suffer themselves to be hector'd and huff't out of their trade and natural priviledges? Shall they make laws showing their resentment, and back them with threatning? Shall they apply by humble supplications to the Queen, who (it is to be feared) could not relieve them? or shall they blow the trumpet, sound an alarm to war, invade England, before they sit down and consider, if with 10,000 they are able to encounter 100,000 Englishmen? Or shall they court the powerful alliance of France, that both our religion and liberty may be sent a packing together, and this island may be made the doleful stage of the most bloody tragedy that ever was acted in the world.

Hoc Ithacus velit, et magno mercentur Atridæ.

Methinks I hear a loud voice crying in these days with the Israelites 1. Kings xii. 16, *What portion have we in David? neither have we inheritance in the son of Jesse, to your tents, O Israel.* And 1 Sam. viii. 19, 20, *Nay, but we will have a* KING *over us, that we also may be like all the nations, and that our King may judge us, and go out before us, and fight our battles.* I shall not presume to describe the manner of the King; but without accomplishing a diligent search, it may be found in that same 8th chapter of the 1st Book of Samuel, especially in the 17th and 18th verses. Or shall they implore the aid of the Dutch and Swedes, who, as they lie at too great a distance from us, and have use for all their forces at home, so they will be very shy to incur the displeasure of a nation so great and powerful as England. Or if these allies could surmount these difficulties, how would Antichrist and the tyrant of France, that grand enemy of Christendom, rejoice and laugh to see the most considerable Protestant nations sheathing their swords in the bowels one of another, and fall as a prey in the hands of him who hath so long aspired after the universal monarchy? This is a brief view of the inevitable misery of Britain, if a happy Union of these kingdoms prevent it not.

On the other hand, if, in place of a well balanced Union, Scotland should be subjected to England, and be at her mercy as to all her sacred and civil interests, the state of this nation and Church would be most deplorable and

miserable. May infinite wisdom so guide and direct those who are at the helm of affairs, that neither Church nor State may be shipwracked upon those discovered rocks!

Several schemes and draughts of an Union have been offered. The Fœderal Union is attended with this fatal disadvantage, that considering the present ferment, and the various factions and divisions in these two nations, the important subjects of trade, or of peace and war, would quickly furnish combustible matter, which by the seditious breath of ill-designing and self-seeking men would soon be blown up into a flame, whereby both nations might be laid in ashes. Two independent powers may easily divide in such matters, and the cords of a Fœderal Union would prove too weak to secure against a rupture in such cases.

The incorporating Union seems to threaten this nation with no less danger than the overthrow of our Church, our laws, our judicatories, &c. and an entire subjection to the English nation.

If Scotland had no peculiar concerns and interests to be secured, the Union of the two nations might be adjusted in that manner without much difficulty; for in such a case the English, though by far supernumerary in the British Parliament, would take care of the common interest, and consequently provide for the good and safety of Scotland, no less than the Scots.

But our Church constitution, our laws concerning private rights, our judicatories, &c., are our greatest rights and peculiar privileges, which can neither be thrown away nor taken from us, without the inevitable ruin both of the Church and nation; yet the English members in the British Parliament might probably be tempted to judge it their interest that Britain should be under one Church constitution, under the same laws, and that there should be appeals from all the Courts in Scotland to one or other in England; and consequently might easily vote us out of our greatest and dearest interests, if these matters were subjected to a vote in the British Parliament. And if our representatives are reduced to sixty-one, and the English are allowed to have the same number of members in the British which they have now in the English Parliament, the difficulty is unquestionably great to make of both one nation, and to

have both represented in one Parliament, and yet to secure the peculiar interests of either nation, against any attempts in the British Parliament.

If by adding a few articles, cautions, restrictions, and declarations to the Articles of the Treaty already agreed to by the Commissioners, without altering the most substantial articles, the peculiar concerns of this Church and nation could be sufficiently secured, we might hope to see this important affair speedily brought to a happy issue. May all true lovers of their native country, and all who desire the peace and prosperity of Zion (who by their great natural abilities, long experience, and profound learning, are completely qualified to find out proper expedients), bend their most earnest endeavours to relieve and extricate their mother nation and Church out of her present straits and difficulties!

That I may excite and awake the endeavours of such, I have presumed humbly to offer the following cautions, which I hope may be of some use, and with those of the like nature that may be advanced by others, may amount to a full security of all our great and peculiar interests; but I shall confine myself to these five, of which in order:—

First, Our Church constitution, which I hope may be sufficiently secured by making this a chief article of the Union, that no alteration or innovation in the doctrine, worship, discipline, or government of the Church of Scotland, or laws establishing the same, shall be moved in the Parliament of Great Britain, without the previous consent of the General Assembly of that Church, and of a meeting of the Estates of that kingdom lawfully called for that effect, and left to act with full freedom; whereby the Church will have two negatives upon the Parliament of Great Britain for its security, whereas now its establishment depends entirely upon the Queen and the Three Estates of Scotland. It may also be provided that the Assembly or its Commission may, notwithstanding, represent their grievances to the United Parliament of Britain, that the laws already made concerning the Church may be put to more vigorous execution.

2. Our laws concerning private right which may be guarded by this, be insert in the Articles of the Union, that none of those shall be altered or rescinded in the Parliament of

Britain without the previous consent of a meeting of the Estates of Scotland lawfully called, and acting with full freedom, and finding these alterations necessary or expedient, and for the good of Scotland. If these laws should be unalterable as the laws of the Medes and Persians, it might prove exceeding hurtful to this nation. Time and experience may discover many inconveniences in the best of laws, but it were yet more dangerous to trust the Parliament of Britain with the power of altering these laws without a check, I mean until it were after mature deliberation agreed to by the Estates of Scotland, who may well be supposed to know best both our laws, and what may be most expedient and necessary for securing our property and private rights.

But here it will be objected by some that this is to keep a separate Parliament in Scotland, and plainly inconsistent with a near and incorporating Union. I answer, these meetings of the Estates may be limited, so as neither to act in a judicative nor legislative capacity, but only to consult, deliberate, and give their advice before any of our laws and customs concerning our Church constitution, our properties, or private rights, are altered or rescinded by the British Parliament; or any innovation made as to the form or power of our judicatories, whether supreme or inferior, or any other appeal or review allowed of their sentences than what is already enacted by the laws of Scotland, whereby our third grand interest, viz. our Judicatories, will be put without the reach of any prejudice from the British Parliament. And perhaps there may be no great need of frequent meetings of this nature; however it is plain that these would be very different from Parliaments.

Others may object, that we can have no security without a separate Parliament; for the United Parliament of Britain may easily leap over the Articles, and overturn our laws, Church, and Judicatories, &c., unless the Parliament of Scotland be the guardian of these grand interests, especially considering that the English members would be by far supernumerary. I answer, 1*mo*, The kingdom of Wales, the counties of Cornwall and Kent, and the Isles of Man, Jersey, and Guernsey, retain and enjoy their own peculiar laws until this day, though they have been for some ages parts of the kingdom of England; and therefore the pre-

servation of our laws, &c. is very consistent with an incorporating Union, or one United Parliament of Britain. Why should we entertain such jealousies of the English nation, who have given such pregnant proofs of their faithfulness in cases of the like nature, with that under this present debate? 2*d*, Who can suppose that the British Parliament will venture to violate such a solemn Treaty and sacred Contract, which is to be the very basis and foundation of the civil constitution of the kingdom of Britain, the loosing of one pin whereof would dissolve the whole fabric, unhinge the whole constitution, and introduce anarchy? Have the Englishmen so little regard to their own lives, estates, and liberties, that they will hazard the ruin of all, that they may reach a blow to Scotland, then a member of one body politick with themselves, of Britain? 3*tio*, The British Parliament cannot lawfully make any such alteration without the consent of the Three Estates of Scotland, as is supposed, and these Estates are sufficient guardians of our separate interests as long as the British Parliament observeth the Articles of the Union, without the least necessity of a separate Parliament. 4*to*, If the British Parliament shall, contrary to the Articles of Union, usurp a power to overthrow our separate and peculiar interests, which is scarce possible, then Scotland, by the law of all nations, may have recourse to their Parliaments and meetings of Estates for their own security and safety, as freely and lawfully as if no Union had ever been concluded betwixt the two kingdoms; for this is a condition implyed in all leagues, treaties, and contracts betwixt different states and kingdoms, that the breach of one article, especially if it be a substantial and considerable one, makes the whole league, treaty, or contract, void and null, *Grot. de Jur. Bel. et Pa. lib.* 2, *cap.* 14, § 15; so that each party is loosed from any obligation arising from the contract, and return to their former rights and liberty. If, then, the British Parliament make no breach in the Articles of Union, there is no necessity of a separate Parliament, and if they do, our ancient right to a separate Parliament or meeting of Estates, immediately returns and revives. And perhaps it might not be improper to adject an express irritant clause to the Articles of the Union, declaring the whole to be void and null in case of the violation of any one of the principal Articles

without speedy redress. Is the English nation so little acquainted with the bold and warlike temper of the Scots? Or can they be ignorant that the Scots in all ages have valiantly and zealously defended their civil and ecclesiastic liberties, with the greatest peril of their lives, against all insults or encroachments? And can any man think that the British Parliament would run the hazard of making this Island a field of blood, by attempting the subversion of our Church constitution, our laws, privileges, or liberties, so solemnly secured by the Articles of the Union? No. The English are great assertors of liberty, and would be loath to countenance such a precedent. *6to*, A separate Parliament is obnoxious to this dilemma. Either in that case the power of naming Officers of State, and of the Army, Privy Councellors, Judges, &c., is lodged in the Queen and her successors to the Crown of Britain, or in the Parliament of Scotland. If the first, how easily may the English power or set of ministers, to favour their designs, and by their influence, bid fair to manage matters in the Parliament of Scotland according to English measures, to the great prejudice of this nation? This, I hope, will be owned to be true, and no small absurdity, by those who so keenly contend for a separate Parliament. If the last, it is plain that factions in the Parliament would be unavoidable, and the prevailing faction would monopolize all those places and preferments to their party, relations, and adherents; and I leave it to any disinterested person to judge what justice and what treatment the other faction and their adherents may expect in all judicatories, &c. Shall I add, that during this Queen's reign, for whose long life and prosperous reign every good subject will heartily pray, it cannot be imagined that her Majesty will divest herself of that royal privilege? How then shall we keep a separate Parliament, and shun the above mentioned absurdity? not to mention what I formerly hinted at, that the two Parliaments of Scotland and England might easily disagree in the matters of taxes or subsidies, peace and war, trade, &c., and so quickly break the Union, whereby we would be reduced to a worse state that what we were in before the Union. Hence it's evident that separate Parliaments are inconsistent with a lasting Union of the two kingdoms, so far is it from truth, that a separate Parlia-

ment is a necessary guardian or guarantee of our separate interests. If it be objected, that the several kingdoms which are comprehended under the monarchy of Spain and France, and England, when united under the Henry V. of England, retained their separate Parliaments, it is answered, that the dominions of Spain are great, and vastly distant one from another, so that it is hardly possible that one Parliament could govern them, and timeously provide for their safety; nor are there such animosities nor occasions of breaches among these dominions, as betwixt Scotland and England. The like may be said of France and England; but Scotland and England lie compactly together upon one island, and that of such extent as one Parliament is sufficient to provide for its security, and to take care of all its concerns.

It is further objected, that by the Articles of the Union already agreed to by the Commissioners upon the Treaty, Scotland is to surrender nine parts of ten of their Parliamentary power to a foreign nation who hath no property in Scotland, and that strangers shall rule over them. I answer, 1. The argument strikes against all union of all lesser states, though every way equal, into one kingdom, and under one Parliament; for each state, which was formerly independent, might plead that before the union they made laws to themselves, but now strangers rule over them, because each of the united states suppose to have an equal number of representatives in the United Parliament. Thus several heads of independent families might argue against uniting into one kingdom or commonwealth upon an equal foot. 2. It is absurd to say that parts of an united body are strangers. It is again argued that there is no reason to abridge Scotland's representatives in the British Parliament more than those of England. Is not our all under the care of the British Parliament, and therefore all our members should be admitted to the United Parliament, no less than all the English members who are to take care of their all? It is answered, the case is plain; let me suppose that Berwick had been an independent town, such as several Hanse Towns abroad are, ruled by Magistrates and Council to the number of twenty, who only gave laws to that town, and that for their safety they now think fit to incorporate with England,

were it reasonable that the Mayor, &c. of Berwick should plead thus—Gentlemen, we are willing to be one kingdom with you, but we must part with none of our representatives; you must allow us as many members in the English Parliament as formerly gave laws to us when we were an independent state? Would not this answer silence them—We are willing to allow you two members, which is the greatest proportion allowed to any town in England equal to you in men, trade, or effects? You are not to look back to your old constitution, but must be content with such a number of representatives as falls to your share, according to the proportion which your trade, men, means, and estate, bear to the other parts of England. Now if Berwick should reply—But our all is to be taken care of no less than your all—would it merit any further answer. The application is obvious: It's beyond controversy that 61 members in the British Parliament are the full proportion that Scotland can claim, being compared with England, whose present members are 698, either with respect to men, money, trade, or estates; for in all these respects England hath more than twelve to our one. And that in such cases regard ought to be had to trade, lands, &c. it is plainly asserted by the learned Grotius, *De Jure Bell. et Pac. lib.* 2, *cap.* 5, § 22. His words are—*Quoties societas fundamentum habet in re, quam non æqualiter omnes participant, tunc sententias ad modum participationis*, i. e. *mensoria, ut loquuntur, proportione æstimandas.* When men enter into a society with respect to lands or the like, whereof every member of the society hath not an equal share, then the votes allowed to the members ought to bear a proportion to their share of the lands, &c.: This, he says, is most agreeable to natural equity. He confirms it by several texts from the Civil Law, and adduces instances from Strabo, who says that Libyca and three neighbouring towns united upon these terms, that Libyca should have two votes, and each of the rest only one, because Libyca had the greatest interest in the society; and that twenty-three towns in Lycia were so united, that some of them had one, some two, some three votes, and that they paid their taxes by that same proportion.

And shall I add, that daily custom and experience hath put this matter beyond debate? Is not this rule observed in the

African Company, the Bank, and all such societies? Edinburgh is allowed to send two Commissioners to our Parliament, and each other burgh only one. Some shires, as Clackmannan and Kinross, are restricted to one, and other shires allowed to send some two, some three, some four. And the reason insert in the Act for an additional representation in Parliament of several shires is, because of the largeness, extent, and value of the lands holden by the Barons and Freeholders in these shires, 11 *Act.* 2 *Sess.* K. *W.* and Q. *M.* From all which it is plain that we have no reason to complain that England is allowed to have as many representatives or members in the British as now it hath in the English Parliament, though at the same time our representatives are restricted to sixty-one, and a greater number would be found an intolerable burden instead of a privilege, if the vast expense of these Commissioners be well considered.

It is further objected, that if we have no separate Parliaments there shall be no place for appeals from the Lords of Session, and so justice may be perverted without a remedy. I answer, it is obvious that the protestations for remeed in law, which have been allowed since the Revolution, have been still ineffectual; and it is plain that it is far more expedient that the decreets of the Lords of Session should be unalterable, than that their sentences should be overturned by the prevailing factions that may be in a Parliament. Nor have our Parliaments time to bestow upon those private affairs. Perhaps the Court of Justiciary might be so modelled, as abuses of this nature might be better prevented or redressed, if the members thereof were eminent lawyers, and not Lords of the Session, and if these were impowered to review such decreets of the Lords of Session as shall be contrary to express Acts of Parliament, uncontroverted customs, or received principles of law, not in order to reduce them, but to punish the pronouncers of such sentences by deprivation, and ordaining them to repair the loss of the party injured by those sentences.

It is further argued, that it is no new thing in England for one part of the kingdom to differ from another about points of interest or trade: Cornwall and Yorkshire, Old and New Companies, Whigs and Tories, Churchmen and Dissenters, have drawn different ways in the English Parlia-

ment. The like may be feared in the British Parliament, where, in all matters in which the interest of England and Scotland may seem to interfere, the English would undoubtedly carry it against the Scots, to the great prejudice of some considerable branches of the Scots trade. I answer, (1.) This objection carrieth an answer in its own bosom. Would this reason have been sufficient to have determined the seven Saxon kingdoms to remain in a separate state, and not to unite in one kingdom of England lest they should be obnoxious to such inconveniences? Where is the nation or Parliament in which these can be avoided? What struggles have been in the Parliament of Scotland concerning the wool, whether it should be exported or not, concerning the importation of French wines, &c.? No government, no society, no human laws, can be framed, which may not be attended with some inconveniences, but these are sufficiently balanced by the far greater advantages arising from laws and government. (2.) Our great separate interests cannot be brought to a vote in the British Parliament, until the Estates of Scotland desire some alteration in these matters. (3.) Such cases will rarely occur where the interest of England will lye cross to that of Scotland, and if our interest interfere only with the interest of a part of England, we may justly presume that all disinterested members of the British Parliament will prefer that which may most advance the good of the whole.

A further caution may fitly be suggested here concerning our separate interests, that it be expressly provided by the Articles of the Union that the succeeding Kings and Queens of Britain shall at their coronation swear to maintain inviolably these Articles, and to see them particularly observed.

It remains now that I briefly hint at the freedom of election of members of Parliament, and free access to all places of public trust and offices, civil or military, in Scotland, concerning which it may be provided by the Articles that no sacramental test or any other bar shall be imposed upon members of Parliament, or their electors, or any persons in public trust in North Britain, providing these persons be willing to take the oath against Popery, and for securing their allegiance to the Queen or her successors in the Crown

of Britain, which the Parliament of Britain shall think fit to require or impose.

By these instances I hope it is sufficiently plain, that it is very possible to secure the separate and peculiar interests of this nation, without keeping a separate Parliament. I have also shewed the necessity of an Union of these two kingdoms, especially in this juncture, and the great danger and inconveniences that necessarily attend a federal union, whereby each nation reserves their own Parliaments.

It cannot be expected that all difficulties and inconveniencies can be avoided in the most nicely adjusted Union, *nihil est ex omni parte beatum;* but every prudent person, and true lover of his country, will easily dispense with smaller prejudices and losses that may fall upon some private persons, when they perceive the good of this whole Island so highly advanced by this Union;—when, I say, they consider that this Union, if well adjusted, will not only be a great security to the Protestant religion in Britain, and to our Church constitution in Scotland, partly by the negatives in this matter upon the Parliament of Britain, and partly by the interest that we shall have with the Whigs and Dissenters in England, who must needs think themselves concerned to ward off all attempts to its prejudice, but also a strong bulwark against foreign invasions, an excellent mean to put a stop to all civil wars and intestine commotions, and to put an end to all debates concerning the succession to the Crown of Britain, the sure Magna Charta of our liberties and properties, a mine of incredible riches to the whole Island, and a project that will highly advance its trade. It should therefore be the earnest desire and fervent prayer of every true-hearted Scotsman, that this most important affair may be speedily and happily concluded, to the glory of God, the good of his Church, the honour of our Queen, and the lasting peace and prosperity of Britain.

POSTSCRIPT.

I shall here take occasion to suggest a few more cautions concerning the Union. First, That of two Secretaries of State for Britain, one shall be a Scotsman, who shall present

signatures to the Queen, and her successors to the Crown of Britain, and give information and advice to her Majesty in all the peculiar affairs of Scotland.

2. That the Acts of the British Parliament shall not be obligatory in Scotland until forty days elapse after they are published and proclaimed at the Market Cross of Edinburgh.

3. That none of the laws or customs of Scotland concerning crimes, delicts, or riots, and the punishments thereof, shall be altered by the British Parliament, without the previous consent of a meeting of the Estates of Scotland, in the same manner as hath been said concerning the laws which concern private right and property. For it is plain that diversity in laws is very consistent with an incorporating Union; and no solid reason can be offered for subjecting Scotland to the English laws in the matters of crimes and riots, or for entrusting the British Parliament with a power to abrogate our ancient criminal laws and customs at their pleasure, which is the same thing upon the matter. For the English members being by far supernumerary in the British Parliament, would be loath to neglect such an occasion of taking away all shadow of difference betwixt the two nations of North and South Britain, of easing themselves of the trouble of correcting or altering laws which they would not understand without some difficulty, and of transmitting to posterity this our subjection to their laws, as a pregnant proof that we were a conquered nation. And of what dangerous consequence such an alteration might be to Scotland, I leave to the serious consideration of the judicious reader.

The observations of Spottiswoode in regard to the Union are shrewd and judicious, and the result has demonstrated the soundness of his views as to many of the anticipated evils. The opinions expressed by him as to the finality of the decisions of the Judges of the Court of Session assuredly was not the general one, as the venality of the Judges of the Supreme Tribunal in Scotland at that period, and long before, was so notorious, that even one of their own number, Lord Fountainhall, expressed himself in very strong terms on the subject; and Duncan Forbes, afterwards the illustrious Lord President of the College of Justice, is reported to have frequently given this toast—"Here's the health of the Lord of Session that does not deserve to be hanged."

"To allow no appeals," says an anonymous writer, "is to constitute fifteen tyrants,[1] as our historian (Buchanan) called these Judges of old, and to augment the grievances we are under already with respect to this Judicature, and to fill the whole nation with complaint and discontent. What shall they think of this absolute power, who showe that men take not ordinarily their measures according to the justice or injustice of their suits, but their influence on and interest with the Lords, adhering to the old compend of the Scots Law, *Shew me the man, I'll shew you the law?* And finally, what shall be their opinion of it who are concerned in appeals already made from the Session, and in discussing whereof they expect redress? And certainly it is the sentiment of the generality of the nation, that there should be appeals from the Lords of Session, if it should have no other effect than to overawe them."[2]

[1] The original number of Judges in the Scottish Supreme Court, now reduced to thirteen.

[2] "The Testamentary Duty of the Parliament of Scotland with a view to the Treaty of Union now on foot, and considerably advanced betwixt the two Kingdoms." 1707. 4to.

ACCOUNT

OF THE

BATTLE OF BALRINNES,

3D OF OCTOBER 1594.

FROM A MS. FORMERLY BELONGING TO THE REV. ROBERT WODROW, NOW IN THE LIBRARY OF THE FACULTY OF ADVOCATES.



This account of the Battle of Balrinnes, or Glenlivat, or Strathaven, for the conflict is designated by all these names, is printed from a manuscript contained in a volume formerly belonging to the Reverend Robert Wodrow, and now in the Library of the Faculty of Advocates. As it is more full, and contains many interesting particulars which do not occur in the old narrative printed by Sir John Graham Dalyell, Bart. in his "Scotish Poems of the Sixteenth Century,"[1] a place has been given to it in the present volume.

A spirited account of this battle, in which Archibald Earl of Argyll suffered a severe defeat, will be found in Tytler.[2] Archbishop Spottiswoode, in his History of the Church of Scotland, gives a concise but distinct detail of the event. The Primate adds—"This fight happened on Thursday the 3d of October 1594, and is called by the country people the Battle of Glenlivat, albeit it was fought on a hill three quarters of a mile distant. The victory fell happily on Huntley's side for the country people, who should otherwise have been miserably spoiled, if Argile with his forces had prevailed. The Lord Forbes, with the Lairds of Balwhyne[3] and Drum,[4] that were advancing to assist Argile, upon advertisement of his defeat, and that

[1] Vol. i. p. 156.—This is an abridged translation of a Latin account of the battle.

[2] Vol. ix. p. 149-152, edit. of 1843.

[3] Leslie of Balquhain. The male representation is in the Counts Leslie, but from their being aliens, they were incapacitated from succeeding to the estates, which are now vested in an heir-female.

[4] The first possessor of Drum was William de Irvine, who obtained the estate from Robert the Bruce in 1323. It is a matter of uncertainty whether Irvine of Bonshaw, in the south country, or Irvine of Drum, in the north country, is the chief. Many genealogists, however, assert that the Drum Family is a younger branch of the Bonshaw Family. The Irvines of Drum had large estates in the county of Aberdeen, and suffered severely for their loyalty during the great Civil War. So sensible was Charles I. of the eminent services of the Barons of Drum, that he issued a patent for creating the head of the Family Earl of Aberdeen, but which never passed the Great Seal, owing to the troubles of the times. It is still preserved in the Drum Charter-Chest, and the Peerage was after the Restoration again offered to Sir Alexander, the son of the original patentee, but owing probably to the severe losses sustained by the Family, the offer was declined.

he was turned back, made after him, thinking to persuade him to return ; but by the way, a gentleman of the name of Irwyn being killed by the shot of a pistol in the dark of the night, there entered such a distrust and jealousie amongst them, none knowing who was the doer, as presently they separated and went home."

The King was informed of the defeat of Argyll while at Dundee. He hastened his journey northward, and on the 16th of October he came to Aberdeen, " where counsel was taken for demolishing the houses of Strathbogy, Slains, and Newton. In this service the Earl of Marshall[1] was employed, having some companies of horse and foot allowed him till the same was accomplished."[2] Huntly and Errol were compelled ultimately to give surety to leave the kingdom, and not to return without his Majesty's license.

[1] Marischall.

[2] Spottiswoode. Lond. 1677, folio, p. 409.

BATTLE OF BALRINNES.

SETTING apart the cawses and counsells of this fight, it is certein that the King was very vnwilling that the Earle of Argyle should have been his Majestie's Lieutenant there, as fearing the insolency (which was thoght naturall to all Hylanders) showld (in caice he had preuailed) bursth furth wnto some worser inconuenient, yett by importunity of the ministers it was yielded vnto. And for his better encouragment (being bot a zouth, and not broken to business), Mr Robert Bruce, a chiefe ringleader amongst them, furnisheth him with some present monys and promises in the King's name, that Lochabre, the most convenient parcell for him of the Earle of Huntlye's estate, showld be given to him and his heirs for his paines. This being fully encowraged, he uses the best means for the performance of that service. By friendship he allureth Macklaine and his Islanders—Mackintosh, Mackeinzie, and Grant, as euill neychbours, and enuying the Earle of Huntley's greatnes, wer easily perwaded to take part. The publick authority, by open proclamations, obliged euery good subiect to accompany and joyne with him as he went. Angus Mackdonald was solicited, and wpon his way with 500 bowmen, bot came short of the fight by the Earle's tymly preuention. It fortuned also that in the proclamations no other narratiue was alledged for persewing the ennemy bot his obstinacy in Popish religion, wherby, contrary to the contryuers opinion, many forbore to follow the Lieutenant, thinking

bloodshed ane unfitting mean to worke any man's conuersion, and lykwayes it incited many of that profession (who otherways indifferently wold haue beheld the euent) to joyne with the Earle, as thinking it might thereafter be their own call. Of these the chiefe wer the Earle of Erroll, James Wood, apparent heir of Bonniton, and John Creichton of Innernytie.

Scarse wer they arrived to the Earle, when word came that the Lieutenant was comming with all speed to Moray; whereupon the Earles (as resolved to take the first occasion of fight) went to Elgin, and ther stayed for more particular aduertisement. Bot after three dayes stay, hearing none, they sent Sir Patrick Gordoun of Achindowne, vncle to the Earle of Huntly, to scoure the cuntry, and enquyre of the Lieutenant's purpose and approach, and themselves went to Strathbogie.

This going was by some dislykt, as carrying a show of retreat, bot by the euent pruved good, for the Lord Forbess with his friends (owld ennemys to Huntly), and Balwhain, with other Leslyes of the North, being ready to haue marched to joyne with the Lieutenant, wer, by the Earle's comming so neere, forced to keepe att home, and dissemble their intentions. The Earle of Erroll, after some dayes stay att Strathbogie, went with his friends to Turreff, and remained there att his owne howse till he was aduertised, which was within two dayes after, vpon the arriuall of some spyes, who reported the Lieutenant to have been in Badzenoch, a country belonging to the Earle of Huntly, and that he had beseiged his castle of Ruthen, bot was repulsed, and now marching towards Strathawin, a cuntry lykways pertaining to him. Hereupon the Earles, thinking it no more tyme to linger, marched, being the first of October, to Cairnburrow, where, hauing sett carefull watches, they encamped that night. Nixt morning hauing so many as cowld conueniently heare Mess, they sett forward, and marched that night to the castle of Auchindowne, only fyve myles, by reason of the difficultie of the way and carriage of field-pieces of cannon, wherof they wer forced to leave two behinde. The nixt morning early they went to their deuotion, in confessing and receauing the Sacrament, and according to the custome of that profession they hallowed theyr armes and enseigns; which done, they resolued of the best way of encountering

the enemy and disposing of theyr owne forces in two—the vanguard to be ledd by the Earle of Erroll, and in it wer all his friends and followers, neere 100 in number. There was also Auchindowne, Bonnitown, Geycht, Innernytye, Alan Mackandowy, chiefe of the Clan Cameron, a race of Highlanders in Lochabre, Patrick Conn of Achrys, and Captane Thomas Car, whom, for his singular service, the Earle of Huntly knighted the same day on the field, which tytle he wes by conniuency euer after suffred to enjoy. There wes also the Laird of Latown, Wood, who, wpon the greatness of that victory, turned presently Papist, hauing vowed so much before the fight.

The reare, or rather maine, was led by the Earle of Huntlye, and divided into two wings, the right commanded by Cluny, and the left by Abergeldy, Gordons. In the van were not above 200, in the main 700. Being thus ordered, the two Earles, in the open field, vpon the crosses of their drawn swords, swore reciprocally not to leave one another, nor the fielde, bot with victory. Thus they marched before mid-day six myles, bot with much ado, by reason of the ruggedness of the way and steepness of the hills, which impeded the carriage of the cannon so much, that the Earle of Huntly was forced to send to the Earle [of] Erroll, who, with his van, was got above a myle before, to tell him, that if he did not stay for him he wold quite the cannon, and look lykways for the first occasion of fighting the ennemy apart. Bot Erroll perceauing the message to smell of jealousie, returned answer, that it was only the forwardness of the gentlemen that were with him, which if henceforth he cowld not restraine, yett he himself would assuredly stay for them.

All this whyle were they vncertaine where the ennemy might be, when Achindown and Captain Car returne and tell the Earles that they had learned the Lieutenant to haue lodged att the castle of Drimmin in Strathawin, from thence marched lower in the cuntry (as they thought) to meet with the horsemen, Forbesses and Leslyes, bot that they cowld not certeinly know which way, because of ane extreame great fogg which had lasted all that morning. It was abowt ten o'clock when they came to the foot of the hill (where they fought) and wer till noone climming vp a part

of the face of it, for the ascent was mossy, and so full of boggs and stones, that the horses cowld only stepp vnder them without danger of being lodged for all day, which inconueniency was yett much worse for the carriage of the cannons; bot howsoeuer, with much ado they gott vp a pretty way wpon the hill, and were resting theyr horses, and putting themselfes in order, resolued to march lower in the cuntry, and preuent the joyning of any horsmen with the Lieutenant, when unlookt for they descry the Lieutenant's van marching in ower the topp of the same hills. For the Lieutenant knew no more of the Earles beeing so neere then they did of him, yet vpon all hazards was resolued to march down in the cuntry, and still to keep the topps of the hills, wherby they showld be more secure from the inuasion of horsmen, such as he vnderstood the Earles' whole forces to consist of. And the better to preuent all danger, had diuided his whole forces in three. The vanguard was of Islanders, ledd by Macklaine, to the number of 3000, wherof 2000 were hagbutters, the third made vp of bowmen and swordmen, with dartes and targets, wherof the last were for the most part armed with coates of mail reaching to their knee; the main was ledd by the Lieutenant's nearest kinsmen and freinds. He sett himselfe in the reere, and with him the Laird of Tillibardin, who followed him by the King's command, and Towey Forbess, a flattering volunteer. There was also Neill Campbell, Bishope of Argyll, and two preachers.

The Earles had knowledge of the Lieutenant's resolucion to putt of all fighting if he cowld, and therefore resolue to try theyr fortune vpon any condition, especially now, before his army wes strenthen'd by horsmen, or had leisure to know their owne strenth in comparing it with the Earles' small number, lest that knowledge, by a second concocting, showld turne to spirits, and so swell their vaines with a more solid cowrage, besides that the loss of that occasion might be interpreted by the enemy to a feare and apprehending of the danger. Whyle they were thus resolued, and putting themselfes in order for present assalt, they descried vpon a remoter rising of the hill the Lieutenant's main and rear, which att first they supposed to be a growing wood, till after a more serious observing they found it to be more of

the Lieutenant's forces by theyr moving and progress. Therefore they hasten theyr ordering, and exhort theyr company to remember theyr quality, as being all weall borne gentlemen, professing and owing a more than vulgar cowrage, to considder the weakness of their enemys, howsoever more in number, yet naturally such as knew no order, nor could hearken to any discipline, and besides most of them naked, and so open to all sorts of inuasion and wownds, bot all of them on foot, easy to be broken and overrun by horses; that they were to fight for their estates and posterity; and lastly, that it was God's cause, for religion was theyr quarrell, wherein he wold not fayle to protect them, and therefore that they would be in readiness valiantly to charge the enemy so soone as the word was given, which was the VIRGIN MARY.

Their speech was received with much alacrity and acclamations, every man disposing himself for the assault. They were within four or fyue paces distance to the Lieutenant's van, and his main and rear were now come vp to them, and made a stand at a convenient distance. The Earle's van lykways was a pace or two before the main, and a little to the right hand of it, whither the ascent of the hill lay, and a little to the left hand of the left wing the Earle of Huntly had stelled his 3 pieces of artillerie, which now, euery thing being ready, he commanded to play upon the ennemy's vant. To the first, Sir Andrew, now Colonell Gray, knight, gave fyre, but did no knowen harme, only it made the van diuide itself and make a lane the way as the bullet went, as if the nixt should have been obliged to which way they pleased. The second was fyred by . . . . .[1] and killed bot a few, yet especially one Niel Mackuaren, who in a brauing manner had advanced himselfe before the ranks, wauing his sword about his vnhappy head, now made less by the one halfe. He was one of the most redoubted amongst the Islanders, and in whom the rest (as herds of beasts use to doe) had put such confidence, as they tooke his death as a thing ominous (for to this kynd of superstition the Hielanders generally are of all men most addicted), and were seen thereupon to stagger and reel to and fro in great

[1] Sic in MS.

disorder. The third did no notable harme, only augmented the disorder so farr, as almost the whole van for feare clapt downe vpon their faces to the ground, nor could be raised till the Lieutenant advanced himselfe in persone, and beat them of with stroakes. Meanwhyle the main and rear pressed on so far after the Lieutenant, that, in spyt of all commandment to the contrary, they joyned with the van in great confusion. Thus the van being vpon their faces, and the main in disorder upon their back, Captaine Car, as ane experienced soldier, perceaved the aduantage, and sollicited the Earle of Errol to charge, but he (wee know not vpon what occasion) being vnwilling, the Earle of Huntly, who had lykways espyed the fittness of the tyme, sent for Captain Carr, and bid him tell the Earl that if he did not, he himself wold charge first. Vpon this message the Earle of Errol crying aloud, THE VIRGIN MARY, putt his horse to the spurrs, and with him the whole van putting their spears to their theighs gaue the onsett. The grownd was moss and stones, with no small ascent; and the ennemy's van, the stowtest and brauest men of the army, made such strong resistance, and discharged their shott so thick and strongly that not able to breake them directly, he rid along to the main and rear; and as he went abowt the ennemy's van turned still to innuade his sydes, and had inclosed him very neare, when the Earle of Huntly, perceauing his danger and the ennemy's vant turned from himselfe to the persuite of the other Earle, embraced the occasion, and charged them upon the syde so strongly, that he both broke and beat back the van vpon the maine and reare, so as their whole army being confused, they betook themselfes to the flight. It is a general remarke of the Hielanders, that when they are flying, they never so much as once look back, much less make any resistance till they be killed outright, so as the foot which proues slowest in flight is, as it were, out of justice punished with being the first in the graue.

Their flight was downe the back of the hill, a great deale the shorter way then they came vp, and in a faster march, although the steepness of it is such as in cold blood a man can hardly go it downe, much less sitt vpon horsback, without endangering both, even at the slowest pace; yett there they fledd, and were eagerly persewed, till hauing past the

burn of Alwhaynachy (which is at the foot of the hill, and deliuers you into another much steeper then the first), it was not possible for horses to climb, much less to persew any farder. There were on either syde of the burn certain scattered bushes and thickets of wood, whereof the persewed had made a shelter, and from whence they had discharged some shott, which now they pay dearly for. The Earle of Huntly heere was so eager in perseute of the Lieutenant himselfe, and reached him so neere that he had him at baye; for seuen or eight of his speciall friends being with him, were forced turne and make head to him with theyr pieces ready for fyring. Of these Tillibardin was one, and supposing the Earle to be his cowsin Cowbardy, called to him to retire, or els he culd not scape; bot it was in vain, for the Earl left not the persuite till his hors with their shots was killed vnder him in the very burne, and presently sunk to the grownd with his ryder; and though the Earle was quickly mounted againe vpon a fresh hors by a gentleman called Betoun, yet the Lieutenant had leisure to gett so farr vp vpon the hill as no horse cowld follow.

The retreat therfore is sounded, and vpon the topp of the hill, they all with theyr priest gaue God thanks in that sólemn song, Te Deum Laudamus, offring in one and the same place, as upon ane altar, double sacrifice of blood and thanksgiving.

Many particulars may be heere insert, wherwith it was not fitt to break of the mane thread of the narration, wherof the most materiall are these—that the Earle of Erroll, ryding alongst the ennemy's van, receaved two wounds with hooked arrowes, one in the left arme, and the other in the left legg, bot many of their horses were hurt to death.

In the fight with the Lieutenant's main (as the Earle of Huntly was comming up), his vncle Auchindown was killed owtright, having had a fall with his horse in the morning as they sett forth, which euen then was interpreted to be ominous.

It is very remarquhable, and constantly reported by all, that att the charge for the space of a full quarter of ane hour, the daylight was palpably ecclipsed with the continwell clowd of darts and arrowes that hung ouer the place,

the same as Lucan reports of the battaile of Pharsaly in his Seventh Booke—

Noxque super campum telis conserta pependit.

And there might be many more parallels drawen betuixt the two, if need wer, on this and that field, as that their very multitude was a main cawse of their ouerthrow, for neither cowld they inuade their ennemys by right lyne and aime, except those that wer in the first 2 or 3 ranks. The rest, not knowing discipline and change of ranck, shot all right vp, and as wee say by guess, wherby it fell owt that they hurt many more of the very last of the Earle's trowps than of those that were in their sight and neerest; and lykways being broke and beat back, they runn so confusedly, lyk a herd of swyne, as euery one proued a hinderer to his neighbour, and all disabled from offending the persuers.

It is affirmed that the Lieutenant himselfe endeauowred as much as could be to stay their flight, and cowld not be perswaded to retire, till he was perforce broght off by his speciall friends.

The lyk is reported of the Islanders, who made strong resistance, and stoode long after the maine had betaken them to flight, especially their leader Macklaine, who was so pertinacious and headstrong, that bot with strong hands by his friends, and after he was told of the Lieutenant's retreat, cowld not be withdrawen from the fight.

It is also reported that immediately before the charge, the winde, that before was in the Earles' faces, turned into their ennemy's, so as the whole smoke both of their owne and ennemy's shott blinded their eyes, ane accident of no small moment to a victory, and which they doe yitt interpret to God's singular prouidence and protection of their cawse; as lykwayes that the sunne which shining clear before the charge, did dazell the Earle's eyes, was immediately shutt vp into a clowd for the space of two houres, which was the whole tyme of the fight.

Bot certeinly vnder God the glory of this victory does justly belong to the Earle of Huntly in a manner alone; for besides that he, though not alone, espied the aduantage of charging while the ennemy was in disorder, and so hastened it, it was the act of his owne judgement and wisdome alone

to charge with his rear long before his appointed tyme, when his van was almost inclosed with the ennemy, and ready to giue over, wherin if he had lost neuer so litle tyme, it is probable that both his owne van had been att least putt from any more wse that day, and the ennemy's van and stale had leesare to turne head against himselfe, whereas now they wer seeking to enclose and defeat his van, either of which had so much blowen vp the ennemy's cowrage, as it might either haue made the day their owne, or att least the losse of it more hard and deere to their ennemys. And next in the performing of his charge, he shewed so much valour and cowrage, as beeing a great way within the ennemy's van, he found himselfe all alone, and not one of his owne so farr advanced by sixscore; for in the very charge he singled out with his eye one amongst the midst of his enemys more eminent than the rest, both for stature and a blew scarfe that he carried, vpon whom he bestowed the last thrust of his speare, and so betook him to his sword. That deadly blow, one as it should seeme of that gentleman's friends desirous to revenge, brocht a stroake of a half-lang right vpon the Earle's syde, which he now in the thickest of his enemys, not able otherways to avoyde, turning his horse head a little asyde, cast downe his owne sword to keepe the stroake from his thighs and leggs, which it did, bot was stroake so home, as it cutt aboue ane inch deepe into the Earle's broade sworde, and cutt his boots without any other harme, for within them he had socks of plates. It fortuned that this gentleman was he who, not long before, had killed the Laird of Luss, who had giuen to the Earle his bonde of manrent, and so was in his protection.

It is worth remembering that the Earle, ready to part from Strathbogie, his lady fortaned to tell their eldest sonne, then bot a chyld of four yeers old, that his father was going to fight, and asked withall who he thought would haue the victory, he answered, after a litle pawse, as if he had consulted with a spirit of diuination, that the victory wold not be got without stroakes, bot that assuredly Lord Daidy[1] wold preuail; which, by the Earle's confession, did much encourage him.

[1] *Lord Father*—an endearing expression of the child, who succeeded his father as seventh Earl and second Marquis of Huntly.

They fought upon the 3d day of October in the yeere 1594, presently after mid-day in the country of Strathdawin, vpon ane obscure hill called [1]; bot the fight takes the name from the Glen of Leuit, wherinto this burne of Alwhynachy runns, three quarters of a myle below the place of the fight, as lykways the water of Leuit into that of Awn, a litle below the other, from whence the cuntry is called Strathdawin, deuided from Strathspey by a continued ridge of hills, for Awin with her branches runns into Spey, till altogether they discharge themselfes into the ocean.

In the Lieutenant's army wer twelfue thowsand men, whereof aboue 500 killed, many prisonnairs, and his colors taken. In the Earles' wer but twelf killed in all.

[1] Sic in MS., but the hill between Glenrinnes and Glenlivat is indicated.

LETTER

ADDRESSED TO

HIS MAJESTY KING JAMES VI.

BY

JOHNE HARISONE,

GIVING

AN ACCOUNT OF HIS VISIT TO BARBARIE TO LIBERATE CAPTIVES.

28TH NOVEMBER 1618.



The following article is from the same Volume of Manuscripts out of which the Account of the Battle of Balrinnes has been taken, and although, perhaps, not the copy presented to his Majesty King James VI., it is authenticated by the signature of the author.

In the British Museum there is a tract, evidently by the same John Harrison, entitled "the Messiah already Come, or Proofs of Christianity, written in Barbary, 4to. Amst. 1619." Subsequently he published "The Tragicall Life and Death of Muley Abdala Melek, late King of Barbarie, with a Proposition to all Christian Princes, 4to. Delp. 1633."

This person is not improbably the same individual who favoured the world with "A Short Relation of the Departure of the High and Mightie Prince Frederick, King elect of Bohemia, with his royall and virtuous Ladie Elizabeth, and the thryce hopefull yong Prince Henric, from Heidelberg towards Prague, to receive the Crowne of that Kingdome. Whereunto is annexed the Solemnitie or Manner of the Coronation. Translated out of Dutch, and now both together published, with other Reasons and Justifications, to give satisfaction to the world as touching the ground and truth of his Majestie's Proceedings and Undertaking of that Kingdom of Bohemia, lawfully and freely elected by the generall consent of the States, not ambitiously aspiring thearunto. As also to encourage all other Noble and Heroical Spirits (especiallie our owne Nation whom in honour it first and chieflie concerneth) by prerogative of that high and soveraigne Title, hæreditarie to our Kings and Princes, Defenders of the Faith, to the lyke Christian Resolution against Antichrist and his Adherents. At Dort, printed by George Waters, 1619," 4to, p. 16. The author of the "Relation and Translator of the Solemnities," in his "Epistle to the Reader," signs himself John Harrison. He adds to his "Relation" some "Latin Anagrams on Prince Frederick, by a Friend;" and in an Appendix, mentions that there "is yet a more particular Relation in Dutch." This probably means the "Newes from Bohemia, an Apologie made by the States of Bohemia in their Defence against the Jesuites," translated out of "Dutch and Latine, and thence into English, by William Philip. London, 1619. sixteen leaves."

In the Library of the British Museum there is also a tract in small quarto, entitled "Newes out of Barbary, in a Letter written of late from a Merchant there to a Gentleman not long since sent into that Country by his Majesty, containing some Strange Particulars of this new Fanatick King's Proceedings, 1613." Sir Anthony Shirley published in 1609 an "Historicall Discourse of Muley Hamet's rising to the Three Kingdomes of Moruccos, Fes, and Tunis; the Disunion of the Thrie Kingdomes by Civil Warre, kindled amongst his thrie ambitious Sonnes; the Religion and Policy of the Moors or Barbarians; the Adventure of Sir Anthony Shirly and divers other English Gentlemen in those Countries, with other Novelties." Black letter.

It is to be regretted that old English literature is so much neglected in Scotland, and that so little attention is paid by the managers of the great Public Libraries to the acquisition of works of that description. Not one of the above mentioned tracts can be traced in any Collection in this country.

It may be stated that Muley Sidan, King or Emperor of Morocco, mentioned by Harrison, was a Prince of a Dynasty which succeeded the formerly reigning Family of Merini, who were unable to maintain their authority about the middle of the fifteenth century, in consequence of which the kingdoms of Morocco and Fez fell into a state of anarchy till the beginning of the sixteenth. At that period Mahomet-Ben-Achmet, a Moor of the Province of Darra, calling himself a scheriff and descendant of Mahomet, availed himself of the opportunity to accomplish his ambitious projects, and his eldest son Achmet was proclaimed King. Another Muley Achmet, the lineal descendant of the scheriffs, was the father of Muley Sidan, who was his youngest son, and who succeeded him at his death in 1603. Notwithstanding the competition of his brothers, he remained sovereign of the Empire, and died at Morocco in 1630.

TO THE

KING'S MOST EXCELLENT MAJESTIE.

IT hath pleased your Maiestie to ymploy me with your letters some severall tymes into Barbary, to Muley Sidan, King of Morocco; first at the suit of the merchants vpon sundrie occasiones of grieuances quhereof the King promised redress, but no performance hitherto; and since, in the behalf of ȝour other subjects now made captives and slaves contrary to all ancient customes and priviledges granted by his predecessors, and confirmed by himself to our natione. In which respect it pleased ȝour Maiestie to grant ȝour letters patent for a collectioune to be made in certen contryes towards the ransome of these ȝour subjects; and withall to writ ȝour letters to the said King for their release, quhiche I carryed with quhat money for the present could be collected, leaving the rest vpon further advertisement to be sent after, quhiche cam in very slowly, a great pairt remaining as ȝet in the hands of the officers thereunto appointit.

After my arrival with ȝour Maiestie's letters in the road of Saffra, I did writ to the King, as formerly I had done, of my arrivall, expecting his order and letter of saif conduct for my landing, quher I attendit a schipbord, almost a moneth befoir I hard anything frome him; nor then bot a Jew, not long befoir come out of the Low Countries vpon returne, told me he was present, and did sie the King teare my letter in peces, as not long after he did the Frenche Ambassadour's letters written to him from Constantinople in the behalf of the French captives (quho had procured also the Grand Seigneur's mandatorie in as respective maner as micht be), trampling them under his feet, the messenger put in

prissone, threatnet to have his throat cut, which made me the moir timorous to land without order and warrant under the Kinge's owne hand as befoir I ever had, the rather for that I had intelligence he hates me for a privat letter formerlie written out of Barbary to one in place hear in Court, at that tyme quhen Mamora was takin, vpon that and sum vther occasions, no vtherwyss than became a good and loyall subject to ȝour Maiestie to writ, which by accident comming to an Ambassador's hands lying hear, he, without respect at all to your Maiestie or ȝour subjectis, both myself and otheris then in that countrie, gave the Jew Pallach (hear in England at that tyme) to copie out and make use of at his pleasure, quho thervpon writ to his master, Muley Sidan, these contents, quhich hath incensed him the moir both against me and the rest of our natioune, as by the effects may apear.

Aftir a quholl moneth's attendance and moir, and no answer at all, some of the merchants resident in the cuntrie writ unto me very earnestlie to send ȝour Maiestie's letters to the Jew Benwasch, one of the King's favorites, to deliver, and withall to writ vnto him myself to solicit for ansuer, quhich I writ vnto them I could not do, nor ansueir it, to send away ȝour Maiestie's lettres so slightingly, and to imploy a notorious Jew (quho hath poysoned many both English and others), so base an instrument in ȝour Maiestie's service, quhom ȝour Maiestie's letters hathe still pointit at from tyme to tyme for mater of greeuance, as the chief author thereof, not only to ȝour Maiestie's subjectis bot to all others, and that it did no way stand with ȝour Maiestie's honour or reasoune soe to doe: quherupone they sent to me againe to send ȝour Maiestie's letters to them, and they would sollicit the business, quhich being ȝour Maiestie's subjectis, and in hope (as they promised) they would bring it to some good effect, I yielded vnto them, referring it to their discretiounes to vse the best and speediest meanes for my despatch, and the release of those poor captives; to quhome lykewyss I sent a master or sampell of these things I brocht towards their ransome, and withall did writ ane other letter to the King myself, with promises to mak it good ether in that or in any other things of lyk natur he sould desyre, quhiche the merchants, so soone as they had

receivit, delivered into the hands of Benwasch, writing to me that he vpone the receipt went presently to the King, and that he would no so much as looke vpone ȝour Maiesty's letters, bot gave out he wold come to Saffia, and then I sould get my dispatch, quhervpon I attendit ȝet longer. In the mean tyme by extraordinar tempestuous weather that winter [we were] forced from our anker many tymes, and at lengthe [obliged] to put into the Strattes and vnto Spaine, bot returnit againe: but nether King nor other ansuer as ȝet came; having before written to the merchants either to procure ansuer, or to send ȝour Maiestie's letters back againe, quhich they promised, but gave me no other accompt, nor so much as writ vnto me eftirwards, quhich put me into ane perplexitie, quhow to right so grit ane affront and dishonour doone to ȝour Maiestie, as I had reasoune, Muley Sidan having hertofoir mad me ane instrument to delud and abasche ȝour Maiestie with his vaine lies and promises, without intent at all of any princely correspondence or performance, as the aboue hath schewed, and so hauing resoluit with myself to writ somequhat moir roundlie, according to the occasiones offeres.

It pleased God to second my resolutioune by this schip's arryvall, whiche we took frome the Turkes and Moores, and thirtie Chrystians taken at Lancerot, their intent being lykwyse till haue taken vs yf they could, first by trechery overnicht, befoir we could mark quher they wer comming to anker afar of, and sending ther bot with a flag of truce, to haue betrayed our bot and men vnder thir schip's command, quhich wee sent midwayes to speak with them; but perceauing their policie, by ther rowing bak againe as our bot approched, our men discharged their peices, and so retired; quhiche policie failing, the nixt morning betymes they sent their boat to the toune vpone some further practise, and with the brage came to windwart of vs, to lay vs aboord, quhervpon we schot at them, and forcit them to cum to anker a sterne of vs, quher fearing in the nycht they mycht lay vs aboord with the wind from the schoar, and riding so neer vs, we schot at them againe, and forcit them from their ankers, and so plyed them with our grit ordinance, that they wer glad to run vnder the defence of the toune and castle, haning schot ther maine mast just in that same place quher ours, ane voyge befor, was schot by the Turcs, quherby

it pleasit God so to daunt their courages, and send such a confusione and pest among themselves, that in all this tyme they mad not one schot at vs, bot all of them that mycht, ran a schore with bag and baggisch. The next morning the Governour of the Toune Alcaid, sent vnto vs for their anker, quhich they had left behind them and wee had taken wp, quhich we answered wee wold not deliver till we mycht vnderstand the King's pleasure quhat sould become of the schip, and quheather the Turkes wer to go to sea in her againe or no. Within a few days eftir, word came that the King had given leave to the Turkes to furnische themselves againe, which we hearing how suddenlie schee micht be manned, and perhaps in the nycht to do us a mischieff, and revenge themselves againe for ther lait disgrace, we resoluit one nicht, alsweill for our owne securitie as also throughe my perswasion, to rycht the effront and disgrace done to 3our Maiestie, eyther to cut her cable and put her aschoir (yf ther wer any Moors or Turks aboord), or els to bring her off: and with this resolutioune to see the same affectit I went in the boat myself, quher we fand nayther Moor nor Turk to keep possessioune, and so warpit her of vndiscovered, quhiche I have doone the raythor to give 3our Maistie to vnderstand how easilie sume further exploits may be atchievit against these infidels both the one and the other, quherof I have alreadie given sume notices and probabilities to some.

The next day betimes the Alcaid of the toune sent vnto us, to know quherfor we had taken away the King's schip, quhich he said the Turkes had given him. We ansnered, we did not know nor acknowledge her to be the King's schip, nor that the Turkes had any ryte or authority to give her, being formerlie belonging to Christians, frome whome they violentlie took her; and quhat we had doone, it was vpone guid consideratioune, in defence of ourselves and for our oune security, and others vpon the coast, vpon just occasioune offered, and not withouten commission quhiche our merchantes have for takinge of piratis. Efterwards came a thundering letter, writine from ane other Alcaid in the King's name, as also frome the Englische merchants befoir mentionat, peremptorlie commanding, in his Majesty's name, to surrender the schip, without mentionne at all of 3our Majesty, or any respect schewed in the

letters quhiche though they wer not directit to me, ȝet our merchants, acknowledging sum better respect to ȝour Majesty, referred the answer to me, being imployed frome ȝour Majesty, quhich was to the same effect as befoir, and that I most first know ane answeir and account of ȝour Majesty's letters, and sum better satisfactioune for so grit dishoner and wronges done to ȝour Maiesty and subjectis. In which respect also I writ a letter to the Jew Benwasch, in quhois hands ȝour Majesty's letters ȝet remainet, and for that causs had reasonne ther to fixe my fareweil, to this effect: That for as much as Muley Sidan in suche wyss had declared himself ane enemy to ȝour Maiesty, by slighting and rejecting your Maiesty's letters, and holding ȝour subjects slaves in chaines by the neck and legs with far moir crueltie than the Spaniards his enemies, or any other natioune (bidding them in defiance as it wer), writ to their King of their voag with other reasons of professit emnity written from his owne mouthe to a Duche merchant. The merchant schewed me the letter in ansuer of a letter from his Excellencie, that he did not hold the Fleemeines slaves in chaines, as he did the Englishe. I could do no les in lyk maner bot *par pari referre* declair ȝour Maiesty ane enemie to him, and so depairtit to ane vther pairt, vnder the command of his enemies quher our merchants wer to end ther busines, having in some soirt ryghtit the dishonor and effront doone to ȝour Maiesty, according to the occasioune offered.

Wherein I hope ȝour Maiesty and honorable Counsaill will think I haue done no moir then my deuty and loyall affectioune, imployes frome ȝour Maiesty haue given me commissioune vpon the former occasiounes, and indignities offered both to ȝour Maiesty and subjects, no otherwiss to be rightit, quhereof all the Moores haue taken notice, and occasioune, therby naturall greeuances formerlie incensit (quhom Muley Sidan, by his tyranous government hathe maid his enemies) to tak vp armes against him, as against a tyrrant and not ther lawful King. Muley Addela, the eldest sone of Muley Sheck, Kinge of Fez, by right of successioune, according to their law and customes, beeng the lawful heir, and ȝet becaus hes father delyveret vp Allerack into the hands of the Spainards, [it is] vncerten quhither they will restoir him, or quhat will be the event.

But being in Santa Cruz, and they vpone ther marche that way, the chiefest of them, in the name of all the rest, sent vnto me aboord to giue me to vnderstand they wer now going against Muley Sidan with a generall consent and resolutioune to setle, peace; and that if it pleasit God to send them victory and good success, they would releass both zour Maiestys and other Christians made captives by Muley Sidan, and be ready farther to observe all other conditiones of peace and friendship with zour Maiesty and subiects as in former tymes, and so desired me to signifie to zour Maiesty, promising to haue writen, bot did not.

The taking of this schip frome the Turks ther brothers, as they call them, was a great eyesoir to them, whiche, howsoever they dissemble, zet we had intelligence of divers pilots, said both be the Turkes and Moors to haue been employed as messengers sent from port to port to put opone all the coast of Barbarie for the Turks schips, gif onie had ben opon the coast, to haue surprisit vs; bot about that tyme cuming from Lancerot, they moir happily incountered themselves (God be praisit!)—a testimony com frome God himself, both to zour Maiesty and other Christiane princes his championes, defenders of the Faith, would they once joyne together against these infidells, as they do against vs Christians, how easilie and happely some further exploits micht be atchieved to God's glorie, as I hop in his good tyme he will put into ther harts, with one consent to fulfill his will, as against that Antichristian, . . .[1] and against this Mahomedan tyranny by their evill dissensiones amongst themselves now begining to fall of itself, *magnitudine laborans sua*, quherof this blaising star may be a sign or foir runner, as wes that quhiche appeirit long since vpon the death of the thrie Kings. That appearing to vs within a few dayes efter our departour from the cost of Barbarie, in the heght or latitud of 37 degrees, and just about the same time this grite Battail amongst Moors was expir'd, quhich was the beginning of this lait new moone.

God turne all to his glory, and his wrath vpone his enemies quhich haue not known his name, and so I humblie

[1] The word here is illegible, and something is evidently wanting to complete.

refer the further censur heirof to zour Maiesty's Honourable Councell, craving pardone quher in any way I haue exceed, to quhom I thoucht it my deuty to giue this accompt for the present, in respect of some malicious slanders given out vpon these occasiounes quhich sal be relatit and ansuerit in a larger discours, quherin if it please God I sall giue a count of other circumstances both at this and my former employment with zour Maiesty's liue, as also of the collectioune for the captives, so muche as hes come to my hands, and discharge myself. I rest as becomes a good Christian and loyal subject to zour Maiesty, quhome God preserue. Amen. Your Maiesty's loyall subject and servant,

JOHNE HARISONE.

Presented to his Maiestie at New Market the 28th of November 1618.

THE power of the Moors and Turks in those days and in the present is somewhat different. Now, not even the puissant Emperor of Morocco dare perpetrate acts of piracy with impunity, or confine in his dungeons a Christian slave.

In former days things were somewhat different, and the barbarian potentates were only accessible to the influence of gold; for all the denunciations of King James, his learned epistles, and his impotent threats, went for nought, and such of his subjects whose fate it had been to underlie the tender mercies of the Moor could only escape by means of a ransom. Neither was any other European monarch treated with more consideration. Menaces were disregarded, and negotiation declined. *Diva pecunia* was the only channel of propitiation.

Various modes were resorted to in Scotland for alleviating the slavery of their brethren, or procuring their restoration to liberty. The following notices on this subject are extracted from "Selections from the Registers of the Presbytery of Lanark," presented by John Robertson, Esq. as his contribution to the ABBOTSFORD CLUB, 4to. 1839.

"27*th October* 1625.—The quilk day ane letter ressavit from the Bishope[1] for ane contributioun to be collectit for the releaff of some folks of Queinsfarie and Kingorne, deteinet under slaverie by the Turks at Salie, whairfor ordaines the brethrein to use diligence and mak intimatioun thaireof to thair parochiners the first Sabbothe-day."

These collections were not always confined to Scotsmen. Thus the following refers to English captives :—

1 James Law, Bishop of Orkney, consecrated by Archbishop Spottiswoode in 1610. He was translated to Glasgow in 1615, where he died in the month of November 1632.

"*June* 15*th* 1664.—This day a recommendation of one Rosse and one Lindsay, from the Sheriffes of London (whoes freinds are in captivitie by the Turks), was read, who earnestlie desyred some supplie to help to releave their brethren from the slavish bondage of the Turks. The bretheren taking the samyne into consideration, did give sum supplie."

From what follows it appears that some of the Montrose mariners had got into the clutches of the Turks :—

"*Nov.* 6, 1678.—The Moderator delivered to the brethren copies of the order for the voluntar contribution for ransoming the Montrose mariners, kept prisoners with the Turks. The brethren are required be an Act of Synod to have their collection readie with all expedition"

The following extract from the "Selections from the Minutes of the Synod of Fife," 1640 to 1687, presented to the Abbotsford Club by Charles Baxter, Esq., refers to some captives in the earlier part of the seventeenth century, under date 2d April 1616 :—"Anent the supplicatione proponed be Mr Williame Wedderburne, minister at Dundee, making mentione, that whairas the Lordis of his Hienes' Privie Counsell being certanelie informed that Androw Robertson, Johne Cowie, Johne Dauling, James Pratt, and thair complices, marineris, indwellaris in Leyth, being laitlie upon the coast of Barbarie, efter ane cruell and bloodie conflict, [were] overcome and led into captivitie be certane merciless Turkes, who presented thame to open mercatt at Argiers [Algiers] in Barbarie, to be sawld as slaves to the cruell barbarians ; from the whilk miserable estate James Fraser, now resident in the said towne of Argiers, moved with pitie and compassioun, redeimit thame by the present payment of ane hundreth and fourtie libs. sterling money for thair ransome, to be repayed be the saidis captives at ane terme now approaching, who nochtwithstanding are reduced to such extreme povertie that they are nocht able to repay the said sowme : Quhairupon thair Lordships have, by thair letters patentis, recommended the saidis distressed travelleris to the charitie of all our Soveraine Lordis subjectis, as the samine, of the daitt at Edinburgh the 21 December 1615, at mair length bearis : craved thairfoir that this Synode wold hald hand to that so charitable ane work, and provyde that the support and benevolens granted within their boundis may be collected in sic forme as may best serve for the comfort and releiffe of the forenamed distressed." The Diocesan Synod of Fife, in consequence, ordered a collection to be made in all the parishes within its jurisdiction, to refund the said James Fraser "of his money so lovinglie advanced for their redemptioune," lest the "frustrating" of it "may efterwards be prejudiciall to uthers falling in the lyk estait, whilk God forbid." The money collected in Fife was to be paid to Dr Peter Bruce, Principal of St Leonard's College, St Andrews, and the sums obtained elsewhere to the ministers of Dundee, that "it may be employed to the use above expressit."

Innumerable other instances might be adduced as to the mode in which money was raised for the above benevolent purposes, were the Ecclesiastical Records to be carefully examined.

EXIMII ANIMI DOTIBUS,

ET IN

DEI VINEA CULTORIS FIDELIS,

DOMINI GULIELMI FORBESII,

EDINBURGENI EPISCOPI,

VITA.

1634.



This Life of William Forbes, first Bishop of Edinburgh, occurs in the same Volume of the Wodrow MSS. with the Battle of Balrinnes and Letter from John Harrison, and being written by a contemporary, it gives an authenticity to the brief biographical sketch which renders it well worthy of preservation.

Bishop Forbes is thus noticed by Charteris in his "Catalogue of Scottish Writers:"—"William Forbes, minister at Aberdeen, and thereafter minister of Edinburgh, first Bishop there, a very learned man, scripsit Considerationes Pacificas et Modestas de Justificatione, Invocatione Sanctorum, Christo Mediatore, Purgatorio, et Eucharistia. Lond. 8vo. 1658. He inclines much to Popery."[1] The proper title is as follows:—"Considerationes Modestæ et Pacificæ Controversiarum, de Justificatione, Purgatorio, Invocatione Sanctorum, Christo Mediatore, Eucharistia, per Gulielmum Forbesium, S. T. P., et Episcopum Edinburgensem primum. Opus posthumum, diu desideratum." Londini, 1658, 8vo.

To this is prefixed a Life of the Author in Latin by Thomas Sydserff, Bishop of Galloway. This is sometimes spelt St Serfe, or Sydserf. The Bishop is supposed to have been the father of Thomas Sydserff, author of Tarugo's Wiles (1668, 4to.) and a comedy of some interest, taken from the Spanish. He translated from the French the "Entertainments of the Cours," 1658, small 8vo., which is valuable chiefly for the curious dedication to the second Marquis of Montrose, which contains many interesting particulars relative to his illustrious father. He was the publisher and compiler of the "Mercurius Caledonius," the earliest original Scottish newspaper printed in Edinburgh. For further particulars as to Sydserff, reference may be made to the Abbotsford Miscellany, p. 87, Edin. 1837, 4to.

An edition of the "Considerationes" was printed at Helmstadt in 1704, and more recently a clergyman of Oxford published proposals for a new edition. An accurate and authentic edition of Bishop Forbes' "Considerationes" is one of the Works announced by the Spottiswoode Society.

[1] Catalogue of Scotish Writers, p. 21. Edin. 1833, 8vo.

Urquhart, after praising Forbes, asserts that he left manuscripts of great learning behind him, which, " as I am informed, were bought at a good rate by Dr Laud, late Archbishop of Canterbury."

Of Andrew Stephens, or Stephenson, who for the first time appears as a Scotish Latin poet, no other information has been gained than what has been disclosed by himself, namely, that he was the schoolmaster of the parish of Fetteresso, in the county of Kincardine.

The Dedication to Archbishop Spottiswoode, which is one of many similar effusions addressed to the Scotish Primate before the Covenanting Rebellion in 1638, after making due allowance for the inflated phraseology, proves that he was much respected in his high office. His position in the Church, indeed, could not fail to ensure for him this attention, and we know that he was dignified both in public and private life, yet at the same time most exemplary and diligent in the discharge of his ecclesiastical duties. The Covenanting Presbyterians publicly vilified him, and libelled him in the most infamous manner in their General Assembly held at Glasgow in 1638, in common with the other Bishops ; but candid Presbyterian writers, while they disapprove of much of the Archbishop's policy, as being opposed to their system, acknowledge his worth, moderation, and eminent abilities. See the " Life and Times of Alexander Henderson," by John Aiton, D. D., Minister of Dolphinton, in Lanarkshire. Edinburgh, 8vo. 1836.

ILLUSTRISSIMO SCOTIÆ PRIMATI,

DOMINO JOHANNI SPOTSWODIO,

ARCHIEPISCOPO ANDREAPOLITANO,

HAS DE

DOCTORIS GULIELMI FORBESII,

VITA LINEAS

D. D. Q. A. S.

AGGRESSO (ut recolo) FORBESI pangere Vitam,
Blandius arrisit Musa Thalia mihi.
Sed cum visum ab eo non sit cuj jure sacrare
Debueram, Parca fila secante truce:
Cum planctu, O PATRIÆ PRIMAS, tibi rite dicare
FORBESI (Hanc) manes Melpomeneque jubent.
Nec ratio defit, cum sit tibi zelus et ardor
Idem animi, et sophia languida corda leves,
Vinea et in sacra sis solers, atque συνεργος
Ut CHRISTO Sponso splendida Sponsa foret.
Consorti in Musis, fas ergo, et munere sacro
Fraternam ob mortem triste ciere melos
Imo Vrbes ab eo fultas, solamine Verbi.
Mirum est, si a luctu lumina sicca juvent
Quod Niobe amissos gnatos deflere nequiret
(Quod Latonigenum tela dedere neci)

Fertur, si qua fides vati est qui Protea finxit,
Præ mærore animi deviguisse silex.
Sed vice conversa, fiant mihi flumina ocelli
Illius ut lachrymis funera mæsta fleam:
Nec mi elegi queruli rumpant præcordia soli
Sed cunctis quibus is Nomine notus erat.

DIGNITATIS TUÆ votivus ad aram
AND. STEPHANUS, Fetteressani
Ludi-Moderator.

Fetteres. 16 *April*, 1634.

EXIMII ANIMI DOTIBUS,

ET IN DEI VINEA CULTORIS FIDELIS DOMINI GULIELMI FORBESII EDINBURGENI EPISCOPI VITA.



RESSO animum ærumnis mihi quando lumina somnum
Carpere suadebant, et edaces pellere curas
Quæ magis, inque dies gliscebant rebus in arctis :

Causa scribendi impulsiva.

Ecce ! duo ante meum sistunt se numina vultum,
Pallas, Apollo : viam quæ sternant vnde levamen
Sperem, a FORBESI puta docti mente benigna,
Qui duris animum vetuit, trepidare procellis.
Et quoniam amborum facundus habetur alumnus,
Et memorem decet esse sacræ quia muneris ampli
Doctrinæ, aerii roris de more fluentis,
Illius vt cunctos patriis annalibus actus
Insererem lætus, legem sanxêre camœnis.
Est opus immensum, sed enim quia velle litatur
Jam pro thure Deis, statui legere hunc quoque pontum,
Tantum Calliope ventis da vela secundis.

Nativitas.

Sidera fausta poli Dea cum Lucina videret,
Nato illo, vndabant vbertim in corde parentum
Flumina lætitiæ, decori laudique futura.
His etenim tria, bisque duo concesserat Hymen
Germina, et imbuerant variis ea Numina donis,
Atqui ejus, præ aliis, inerat vis enthea menti.
Et sacra lucta fuit Divum, quos ante videbam,
Primitus eximio quisnam illum munere donet,
Compositis cunctis, cecidit jus Palladi sorti,
Atque ut Rex pacis, typus ejus qui sit oliva
Perpete pace virens, miro prudentiæ amore
Ferbuit, id voti donis stipantibus vltro

Munus Mineruæ.

Imbuerat Numen pectus, sic (pyxide aperta)
Illice virtutum sophia magnete Minerva.

Munus Apollinis.

Hac præeunte Dea, voluit quoque munere Phœbus,
Pone sequi (primas peteret sibi mascula virtus
Se nisi divina pacâssent Numina sorte)
Spirante imprimis lauri fragrantis odorem.

Educatio.

Cum namque a teneris annis adoleverat ætas,
Ingeniumque sequax Genii, virtutis ad aram
Libârat nectar, præcox incesserat ardor,
Artibus et literis diam perfundere mentem,

Grammatica.

Arte Palæmonia ut vel tyro haud cesserit vlli,
Eloquii Latii cunctis mirantibus acmen,
Quod docto imbiberat Cargillo præside Musis.

Rhetorica.

Insculpsit miras animo Polymneia dotes,
Et quia Mnemosynes proles fuit illa Camœna,
En meminisse dedit, primis quæ antlaverat annis,
Attico ut erumpat (servato idiomate linguæ,
Pracipue illius, quæ sit Chananæa loquela),
Musarum plaudente choro, sacra vena lepore,
Atque λογῳ σοφίας quod mens humana volutat,

Philosophia.

Dum trutinat, reserans sinuosas ordine spiras
Esto Stagirites (mutata gente) Brittannus.

Multifariæ Doctrinæ Encomium.

Inque aliis studiis perfusis numine Phœbi,
Is namque arcanæ doctrinæ fertur abyssus;
Ex doctis, ut apes, quam carpsit sæpe legendo,
Quam meritus fuerat palmam, vel sponte nepotum
Posthuma sêcla canent, ferient quoque sidera laude,
Nominis illius, speculi vivacis honoris.

Exteras Gentes visendi Desiderium.

Cujus primitias regna extera sponte tulerunt,
Cum visendi ergo verrebat cœrula puppe.
Et ni illum Patriæ remeare juberet ad oras
Ardor, captandi soliti spiraminis ergo,
Prorsus adhuc eadem complexarentur amore,

Reditus in Patriam.

Sed cum sospes adest, felix Neptunia lympha
Æolus et felix, reduci sint sidera Olympi,
Fausta illi, per quæ est natalis pervia tellus,

Ecclesiæ Alford prima cura.

Atque lares patrios vix-dum lustrare licebat,
Quin Grex Arctöus, sancte quem paverat exul
Mystes, congenerem verbi pia pabula poscat,
Vraniem quoniam musis ex omnibus vnam
Ambire audiêrat, svadam Comitemque loquelæ.

Ecclesiæ Munimusk cura secunda.

Ambrosiaque grege illo, et dulci nectari pasto,
Muscatis munita rosis post, agmine grato
Lympha amnis scrupos inter qua labitur aureos,
Pastore hoc animis sibi manna Ecclesia legit,

Abredoniæ Desiderium et Amor.

Sed sicut genetrix virtutis amore colendæ,
Ablegat gnatum, tandemquæ cupidine capta,
Secum quod superest hortatur degere vitæ.
Inclyta ABREDONIA, haud aliter, quæ civica mater,
Postquam alibi vbertim, paucis volventibus annis,
Christicolas pavisse greges foret vnica cura,
Vltro (quippe innati afflauerat aura favoris)
Hunc gremio complexa suo nutrivit amore,
Duplo pro donis et dignabatur, honore,
Perque gradus crevit repetens sublimia præpes.

Maraschallanæ Academiæ Rector et Reparator.

Phœbæo astipulante choro, illustrique Senatu,
Præses Athenæo MARASHALLI erat ille sacratus ;
Quod, quia collapsum, reparavit mænibus altis,
Et solus propriis sanxit penetralia Musis :
Ingenuas mentes perfundens dogmate sacro
Solertique σοφων inensque repagula pravis.

Abredonensium Pastorum primus.

Nectar et Aonidum magè quod de fonte bibisset,
Est habitus primus divino in munere Mystes.

Reuerentiæ et Zeli graphe.

Ergo quale decus ! qualis reverentia canûm
Sese illi insinuet, potis haud sum carmine fari !
Neve abs re, pressas animas quum pondere labis,

Zelo lætitiaque levet solaminis Vncti,[1]
Jure ut dicatur primo FORBESIVS ortu,
Pectore divini zeli quia ferbuit ardor.

Lux Boreæ.

Faustæ O Arctoæ, micuit dum phosphorus, oræ,
Errorum densas sic dispellendo tenebras,
Papicôlum ut reprimat fastus, animosque minaces.
Sed quia diverso luctantur flamine venti,
Ecce repente, plagæ Boreali inviderat Auster
Lucem illam, quâ alacris per eum fuit ante potita.

Valedictio.

Atque valedicens Urbi, CONCORDIA BELLA[2]
Nominis æterni cui vera insignia donat,

Sermo ultimus Abredoniæ habitus Parœneticus.

Lætitia et luctu misto sermone ; propellant
Concives, hortatus erat, livoris iniqui
Fermentum, ast icant florentis fœdera pacis.
Quanto cum gemitu, quali cum murmure luctus
Hauserat hæc plebes, reboauerat undique planctus !
Dent nec ei vitio, prisca statione relicta
Quod regio spirante Noto sit meta senectæ.

Causæ Discessus ab Abredonia.

Manna etenim quod ab ore fluit, pellexit amore
Heroas primum quà Sol est proximus axi :

Verbi Energia.

Cujus libamen, divinum erupit in ignem
Affatim ut exoptent se tali nectare pasci.
Tristius et quanto, procerum comitante caterva,
Urbis ab amplexu nativæ avellitur, hercle
Lætius vrbs tanto flagrat imperialis amore,
Primates reducem dum amplexantur in ulnis.

Regia Authoritas.

Et ne alias memorem causas, qui hunc audiit vnctus
REX oleo pretii, Patriæ cum sceptra, coronamque
Amplexaretur, proprium citò vendicat Austro.

Episcopatus obeundi causæ.

Ut cui sit fandi παρρησια munia Regis,
Antistes fieret fausto omine primus Edini,
Concilio, verboque regens ea dissona membra,

[1] Christi.

[2] Bon-Accord.

Pectore quæ grato nequiêre capessere recta.
Præstoque sit vates, svada, comptaque loquela.
Præ reliquis pollens Majestas Regia (namque
Dotibus eximios Regum decet esse prophetas)
Visendi patriam siquando cupidine capta est.

Sermo primus Edinburgi habitus pacificus, Mens multorum aversa licet.

Mos geritur Regi, sacrataque munia obivit,
Alatis Castris, summi quo præco tonantis
Jussa ferat, semenque serat thymiamate pacis ;
Sed tamen ingratis (Proceres haud stigmate muro
Aut qui thure calent verbi) aversantibus ipsum,
Tanquam spermologum, sed quæ sint vera profatum.

Sacræ Cœnæ Administratio.

Fœderis æterni testantur fercula mensæ,
Quæ sic distribuit sincero pectore cunctis,
Ut nequeat justè, imo ipsus vel carpere Momus.
Unde odium ? anne Eridis nimium illi ferbuit ara ?
Qui prece pacabat ferventi, hominesque Deumque.

Encomium Pacis, Sobrietatis.

Nunquid ab excessu ? hunc virosam fugit ut hydram
Sobrius, exorta est an tandem a desidis otî
Illustres animi dotes spoliante veterno ?

Diligentiæ indefessæ et Causa.

Non equidem : at specie pulchris latet anguis in herbis.
Namque sui velut ignis edax, flammamque facemque
Præbet, ita is lucendo aliis, zelumque ciendo,
Indubie fuerat vitalis prodigus auræ :

Dan. XII. 3.

Pectore sollicito recolens ea dicta Prophetæ
Hos fore Doctores, veluti radiantia cœli
Sidera queis magnæ est grex Christi et gloria curæ
Cum lucrandi animas lenimine, pectus haberet
Nobile, at incassum tentaret rumpere habenas.
Fastidî, ecce illi rupit præcordia cura.

Anxietatis Scaturigo.

Vera ea sunt, versu quæ de illo pangere conor,
Et cerussato non sunt ea picta colore :
Sed testis plerisque fui, ut Trojanus Alethes.

Amicorum Votum.

Ast utinam qua Fortha fluit luctantibus vndis,
Gressibus illius duntaxat meta fuisset,
Sic nec Abredonia vnquam (proh) lumine tali
Cassa foret, luctusne darent jam Mænades ansam.
Utcunque est sua cuique dies, nec mobile fatum est,
Juxta ævi, et lethi, præscribens omnibus horam.

Invidiæ Victæ Triumphus.

Invidia victa, victoris adorea durat,

Requies a labore et livore.

Magni etenim athletæ Christi miles fuit ille
Pervigil, hostili qui jam certamine bellè
Finito, placida compostus pace quiescit.

Spiritus Locus et Gaudium.

Et quia dissolvi cupiit, compage soluta
Atropos accelerans socialia stamina rupit.
Spiritus inque sinus Abrahæ, secat æra, lapsus,
Angelicoque choro gratus stipatur vt hospes.
Cui Deus (alloquio dulci dignatus) ita infit,
Cum luctu sementis erat, serve euge fidelis,
Guadia carpe modo in Patria mage messis opimæ!

Corporis inhumati Modus et Honos.

Quodque solo affine est corpus, telluris in alvo
(Eximii ritu decuit qui funera Mystæ)
Conditur, aut potius conditur aromate sacro
Pulchrius ut niteat, lethum, cariemque perosum,
Purius et multo flamma purgato amianto.

Utriusque Partis conjunctim Gloria perennis.

Et tandem illorum quæ longe dissita quondam,
(Horrisono excîtis cunctis clangore tubarum)
Miranda virtute Dei, compagine facta:
Pastor is, haud cinctus Mystarum more tiara,
(Qui decore extincto subita evanescit in auras)
Tempora conspicuus gemmis, aurique corona,
Secula dum deerunt, Ævonaque nescia sêcli
Splendeat, et sertis amaranthi haud post perituris.

Amoris pristini et amicitiæ ergo, hæc de defuncto pangebat AND. STEPHANUS Fetteressani Ludi-Moderator. 16. April 1634.

INFORMATION

ANENT HIS

MAJESTIE'S PRINTERS IN SCOTLAND.



This "Information" by Robert and James Bryson, is printed from a contemporary manuscript in the possession of the Editor. It contains several curious particulars that have escaped the research of Dr Lee, the learned Principal of the University of Edinburgh, whose valuable memorial for the Bible Society of Scotland will remain a monument of his research and ability.

Of Robert Young, whose right as King's Printer is the subject of the Information, James Watson, in his curious little work on printing, speaks favourably.[1]—"The folio Common Prayer Book, printed before those troubles, by Robert Young, then Printer for this Kingdom, to the Royal Martyr, is a pregnant instance of this" (i. e. skill). I have with great pleasure view'd and compar'd that book with the English one in the same volume, printed about the same time by the King's Printer in England; and, indeed, Mr Young's book so far exceeded the other, that there could be no comparison made between them. You'll see, by that printed here, the master furnished with a very large fount, four sheets being insert together; a vast variety of curiously cut head-pieces, finis's, blooming letters, fac-totum's, flowers, &c. You'll see the compositor's part done with the greatest regularity and niceness in the Kalendar, and throughout the rest of the book. The pressman's part done to a wonder in the red and black; and the whole printed in so beautiful and equal a colour, that there is not any appearance of variation. But this good and great master was ruined by the Covenanters for doing this piece of work, and forc'd to fly the kingdom." The praise bestowed by Watson, himself a printer of considerable eminence, is well merited; for the Scottish Prayer Book by Young, in folio, is as beautiful a specimen of typography as can well be imagined.[2]

In 1639, the Acts of the General Assembly convened at Glasgow the 21st of November 1638 were printed at Edinburgh by the heirs of Andrew Hart. In 1642, Evan Tyler, designed "Printer to the King's Most Excellent Maiestie," published in folio the principal Acts of the General Assemblies of the Kirk of Scotland, holden at Edinburgh 1639, at Aberdeen 1640, at St Andrews and Edinburgh 1641, and at St Andrews 1642. Tyler continued to print the Acts of Assembly till 1649.

[1] Edinburgh, 1713, small 8vo. p. 9.

[2] Watson printed a very neat edition of the Scottish Liturgy in 1712. 8vo. A beautiful edition of the "Office for the Administration of the Holy Communion," as enjoined by the Scottish Liturgy, was published in London in 1844. 4to.; and that enterprising publisher, Mr Pickering, has a fac-simile edition of the folio black letter edition in the press.

The Acts of Parliament made in the First Parliament of Charles I. were printed at Edinburgh by Robert Young in 1633. Those of the Second Parliament issued from the press of Robert Young and Evan Tyler in 1641 ; but from 1644 to 1649, Tyler's name appears on the different title-pages as sole Printer to the King in Scotland. "Tyler," says Watson,[1] "having printed for the usurper against the King, was justly forfeited at Scone, and declar'd a rebel by King Charles II. anno 1650, and so left this Kingdom; and Duncan Mond, stationer in Edinburgh, had a gift of King's Printer conferred on him, which entirely cut off Tyler,[2] and Robert Young by this time was dead. But the usurper still prevailing, Tyler made over his part of the forfeited gift to some stationers at London, who sent down upon us Christopher Higgins, and some English servants with him : they printed only some newspapers and small books, and these were very ill done too. After he died, these London stationers appoint Patrick Ramsay, a Scotsman, to be overseer of that house. He was a good workman ; but the masters living at a distance, and the work coming to no account, they sold this printing-house to several booksellers at Edinburgh, who in a little time after did divide and set up distinct houses. These printed afterwards some school-books, and practical pieces of divinity, but very nastily: and this I reckon the first period of our decay in printing."

The assertion of Watson that Tyler was declared rebel by Charles II. in 1650, is at variance with the fact that he printed at Edinburgh (small 4to), "A Declaration of the King's Majesty to his Subjects of the Kingdomes of Scotland, England, and Ireland," said to be "given at our Court at Dunfermline the 16th day of August 1650, and in the second year of our Reign." It bears to have been "printed by Evan Tyler, Printer to the King's Most Excellent Majesty, 1650." This was probably his last typographical production, at least as King's Printer ; for Charles II. was defeated at Worcester the 3d day of September following, and it is very improbable that Cromwell would overlook Tyler's conduct, not only in printing Charles's Manifesto, but in retaining the appellation of King's Printer. Indeed, as Tyler was so much mixed up with the Covenanters, his Majesty, whatever his inclination might have been, had no power to punish the renegade.

[1] P. 10.

[2] Mr Thomas Thomson, then Deputy Register of Scotland, printed for private distribution a very few copies of an "Inventary of Worke done for the State by his Maiestie's Printer in Scotland. Decemher 1642. October 1647." 4to, 1815. From this singular record it appears that Tyler had printed for the Covenanters various articles to the extent of thirteen thousand and eleven pounds Scots, or in sterling money of L.1,084 : 4 : 8. His rate of charge was two shillings Scots per sheet. The Committee of Estates objected to the demand, and the account was modified October 23, 1647, by Archibald Tod, Lord Provost of Edinburgh, and James Stewart, "conforme to an order of the Committee of Estates, dated May 12, 1647," to ten thousand merks, being about the rate only of one shilling Scots per sheet. Thus the worthy apostate was defeated by his patrons in his attempt upon the public purse.

INFORMATION

ANENT

HIS MAIESTIE'S PRINTERS IN SCOTLAND.

ROBERT YOUNG, Stationer of London, in regaird that no man may print Bybillis, Testamentis, Psalmes, and such lyke, except the Kingis Printer, and so lyable to what pryce he pleissis to demand for thame, procoored by the means of the Erle of Stirling and Sir Archibald Achesone, Secrettaries for Scotland, ane gift of sole Printer to his Maiestie within this Kingdome, whairby he had power and libertie to print Bybillis, Psalmes, &c.; and so the samene being printed from tyme to tyme, he sent the same to Londone to be vented to his great advantadge, which wes the onlie reassoun he desyred to be the Kingis Printer heir, and not for anie benefit he expected by his place.

Robert Young, in a schoirt tyme efter his gift wes past his Maiesties hand, he repairit to Scotland to gett the same past the Seale, and the same being presented in Exchackquer, the relict of umquhile Andro Hart, none vther haveing enterest nor preiudice by that gift bot hirselff, did oppose the passing thairof, as not onlie tending to hir prejudice in particular, bot being contrarie to all equitie and justice, that anie stranger should have the gift of sole printing to his Maiestie in this Kingdome. The bussines being mutch debaittit in Exchakquer, and the Provost and Baillies of Edinburgh compeiring against the said Robert Young, and schewing that none could set vp presses, or vse printing in Edinburgh, bot burgessis dwelling and haveing thair

residence in Edinburgh, Robert Young, by his great moyane with the clergie, and in regaird thair wes none to oppose him bot Deame Hairt, he procured his gift past conditionallie, that he should procure himselff burges of Edinburgh, and immediatlie bring hither his wyfe, childrene, and familie from Londone to Edinburgh, and have thair haill residence heir, quhilk he never did; bot how soone he went back to Londone, efter his gift wes past, he despatched hither some servandis with presses and letteris, and so put himself on work with printing the Bybill in octavo, and continewed thus in printing of Bybillis, Psalmes, and other buikis of Holie Scripture, be the spece of four yeiris or thairby, vntil the yeir 1636 and 1637, whairin he wes bussied in the printing of the Scottish Service-Book, quhilk wes a great hinderance to him in his former benefeit; so that Robert Young, efter dew consideration of the lose he susteinit in these two yeiris, and by transporting his copies to Londone to be vented, and enterteining servandis heir at a deare rate, he commandis his servandis to sell presses, letteris, and all, and repaire to Londone with all convenience, quhilk they did accordinglie, and left the kingdome destitute of a printer, in caice thair had bene adoe, and sett vp presses at Londone; and thair, as Printer to the King for Scotland, printed the Large Manifesto and other Proclamationis that wes maid against vs, and still remainis thair ane avowit enemie to the proceedings of [the] Church; till now, finding bussiness to cloise in a fair way, and remembering the former benefeit he had the first four yeires he first cam hither, he hes now, as we ar informit, procoored a new gift to himself and one of his servandis joyntlie,[1] as sole Printaris to his Maiestie heir in Scotland, and has sent hither his sone and one servand, with presses and letteris, for printing the Actis of this present Parliament, quhilk is not agreable to reassoun, he being avowed enemie to this Church and Kingdome, and vseing his chairge and office in printing of both Manifestois in England, and none left in Scotland for service of the State bot Robert and James Bryssons, printeris, burgessis of Edinburgh, who in all thir troubles have faithfullie served in printing qnhat wes allowit and commandit be the Assem-

[1] Evan Tyler.

blies, Parliament, and Committees from the Parliament; and have now, by thair great painis and extraordinar chairges, attained to such perfection in the airt of printing, that they are able to serve his Maiestie and his subjectis of this kingdome in printing of all soirtis of languadges at a more easie rate then any stranger can doe.

In respect whairof Robert and James Bryssouns doe expect, and humblie intreat, that not onlie Robert Young or his colligue's patent or gift may be annulled, and nather of thame suffered to print for his Maiestie and the Estates, being strangeris; bot that we, the said Robert and James, may be preferred, by a gift vnder his Maiesties hand and seale, as natives, to be sole Printeris to his Maiestie within this kingdome, and may have that libertie and freedome as otheris his Maiestie's Printeris have had at anie tyme heirtofoir, especiallie seeing the said Robert and James Bryssoun have imployed thair haill estates in advanceing that airt; and if they sould not be imployed with the printing of their present Actis of Parliament, and quhat ellis sall occur in his Maiestie's service, they will be utterlie vndone, and otheris discouraged to interpryse the lyke in tyme comeing.

The attempt of Robert and James Bryson to obtain the office of King's Printer was not successful, for Evan Tyler continued to print the Acts both of Parliament and of the General Assembly for many years, thus shewing that the services of the renegade were considered by the dominant party more worthy of reward than those of the consistent Covenanters. However, as some small recompense, jobs were occasionally thrown in the way of Robert Bryson by the Assembly. Thus, he was authorised by the General Assembly to print Boyd of Trochrig's Commentary upon the Ephesians. This appointment is enumerated in the list of unprinted Acts of Assembly 1645, and the Act was confirmed 12th February 1645 by Parliament. The statute, which is termed one for "discharging the printing or reprinting of some books," sets forth the tenor of the Act of Assembly as follows—"The General Assembly having appointed Mr Robert Boyd of Trochrig his Commentary upon the Ephesians to be printed by Robert Bryson, and having appointed the Continuation of the History of this Kirk to be revised by the Commissioners of the Assembly, and thereafter to be printed within the Kingdom, by the consent of the Author; and understanding that Mr David Dickson hath alreadie printed a short Explication of all the Apostolical Epistles; therefore, that their undertaking of the printing of the saids books be not wronged, discharges any to print, reprint, or

bring from other kingdoms the saids work, without consent of Mr John Boyd of Trochrig, and of the authors of other works *respective*."

Bryson also printed for the Assembly, in small 4to, 1643—" The King's Maiestie's Answer to a late Petition presented unto him by the hands of Mr Alexander Henderson, from the Commissioners of the Generall Assemblie of the Kirk of Scotland. With their Humble Remonstrance and renewed Petition to the King's Most Excellent Maiestie, from their Meeting at Edinburgh, June 2, 1643."

Robert Bryson was the printer of two of the poetical lucubrations of William Lithgow the traveller. One of them is entitled—" The Gushing Tears of Godly Sorrow, containing the Causes, Conditions, and Remedies of Sinne, depending mainly upon Contrition and Confession ; and they seconded with Sacred and Comfortable Passages under the Mourning Cannopie of Teares and Repentance." This work was printed in 1640, " at the expenses of the author," small 4to. It is dedicated to the illustrious Marquis, then Earl of Montrose, and affords a very favourable specimen of Bryson's typographical abilities. Rare as this little volume is, the other production is still rarer, as only one or at most two copies are known to exist. It is entitled—" A Brief and Summarie Discourse upon that Lamentable and Dreadfull Disaster at Dunglasse, anno 1640, the penult of August. Collected from the soundest and best Instructions that the Time and Place could certainly affoord the Serious Enquirie of the Painfull and Industrious Author. By William Lithgow, Edinburgh, Printed by Robert Bryson." Small 4to.

James Bryson printed in 1639, at Edinburgh, " Articles of Militarie Discipline," small 4to, and in the following year the " Articles and Ordinances of Warre for the present Expedition of the Armie of the Kingdome of Scotland. By his Excellence the Lord Generall of the Armie." Edin. 1640, small 4to. Both these tracts are in the Library of the Faculty of Advocates, and are well printed. The Editor has not ascertained the precise relationship between James and Robert Bryson, although it is very probable that they were nearly connected. Amongst the General Services[1] is one dated Dec. 4, 1669, by Isabella Milne, daughter of Helen Bryson and William Milne, Burgess of Edinburgh, as heir of Robert Bryson, also Burgess of that city. This in all probability was the Printer.

[1] Retours, vol. ii. Edinburgh, 1811. Folio.

ANSWERS

FOR

JAMES ANDERSON, HIS MAJESTY'S PRINTER, AND
AGNES CAMPBELL, HIS MOTHER,

TO THE

PETITION OF ROBERT SAUNDERS, PRINTER IN GLASGOW.



Watson, to whose little work reference was made in the prefatory observations to the preceding Article, informs us[1] that an attempt to revive the art of Printing in Edinburgh was made by one Archibald Hislop, a bookseller, who took into partnership with him William Carron, an excellent workman, who advised his partner to bring new materials from Holland, which he did, and they printed "Thomas à Kempis very neatly, and some other small books; to which is prefixed sometimes the name of the one, and sometimes the name of the other."

"The hopes," continues our author, "entertained of the advancement of Printing, were extinguished by a monopoly created in the person of Andrew Anderson," of which he gives the following account—"Andrew Anderson having printed some small books at Glasgow, set up at Edinburgh, and pretended to shew the bookselling printers their loss of wanting a man known in the art to oversee their affairs. And he and they entering into a project of obtaining a gift of being the King's Printer, succeeded therein anno 1671, which gift was to continue for forty-one years.

"By this gift the art of Printing in the kingdom got a dead stroke; for by it no printer could print anything, from a Bible to a ballad, without Mr Anderson's licence. He indeed printed the greatest part of a very good octavo Bible, anno 1679, in which year he died. But nothing since that time has been tolerably well done by his widow and successors; for even their so much boasted editions of Poole's Annotations and Flavel's Works are in the eyes of workmen but two voluminous botches.

"After printing of one small Bible by the widow and partners in company, they disagreed; the booksellers apprehending themselves to be wronged in this copartnery (the general fate of copartneries), and all of them sold off their shares of the house and gift to Mr Anderson's widow, except George Swinton."

Mrs Anderson thereupon proceeded to prosecute all and sundry. Amongst other sufferers John Reid, who had set up with Patrick Ramsay in 1680, had his shop shut up, and his person imprisoned. John Forbes,

[1] P. 11.

who had commenced printing in Aberdeen about the year 1660, was put to great expense ; and Robert Saunders, who had succeeded Andrew Anderson in Glasgow about the year 1668, was subjected both to fine and imprisonment.

It is in relation to the last named printer that the following Paper, now printed from the original preserved amongst the Anderson Collections in the Library of the Faculty of Advocates, has reference. Saunders ultimately conquered, it would appear, for having been prudent enough to buy George Swinton's share of the gift, he assumed the title of one of his Majesty's Printers. "He brought workmen from Holland, and printed several books very well. He died about 1696, and was succeeded by his son Robert,[1] who keeps his printing-house still in Glasgow."[2]

Mrs Anderson, who appears to have ultimately amassed wealth by her monopoly, was, however, eventually defeated. Sir Thomas Murray of Glendoick, who prepared the Scotish Statutes for the press, employed John Cairns, bookseller in Edinburgh, who had acquired Hyslop's printing-house, and he prudently brought Josiah Van Solingen and Jan Colmar from Holland with the necessary materials,[3] by whose aid he brought out the folio volume commonly called "Glendoick's Acts"—a very handsome book—especially when printed on large paper. Cairns died before the work was completed, but the Dutchmen finished it. Having acquired the property of the printing-house, they continued the work, and having received David Lindsay as a partner, who had procured a gift from Charles II. of printing all books except such as were the peculiar right of the King's Printer—by this device they defeated Mrs Anderson. Ultimately Van Solingen and Colmar bought Lindsay's grant and share in the business ; but falling into difficulties, they sold the whole concern to James Watson, merchant in Aberdeen—the father of the author of the "History of the Art of Printing."

[1] Designed of Auldbar. He seems te have died in wealthy circumstances, and his decease in 1730 is recorded by the gossiping Wodrow in his Analecta, vol. iv. 1843, 4to. p. 102.

[2] P. 13.

[3] It appears that the best types and frames, &c. were usually procured from the Continent. Thus, at a later date, Mr Spottiswood, the Advocate, the Archbishop's great-grandson, got his printing establishment from abroad. "In 1706 Mr John Spottiswood, Advocate, and Professor of the Law, brought home," says Watson, "a neat little house for printing his Law books; but in a little time after dispos'd of it to Mr Robert Freebairn, bookseller, who has very much enlarged the same, and done several Law works in it in Edinburgh." P. 18.

ANSWERS

FOR

JAMES ANDERSON,

HIS MAJESTIE'S PRINTER, AND AGNES CAMBELL, HIS MOTHER,
AND PATRICK TAILZEFER, HER HUSBAND,
FOR HIS INTEREST,

TO THE

PETITIONS GIVEN BY ROBERT SAUNDERS TO HIS ROYAL HIGHNESS
AND ESTATES OF PARLIAMENT.



HEREAS it is represented that his Majestie's gift to his Printer is a monopoly, restraining the Petitioner, who was formerly recommended to the Council, and allowed by them to print; and that the gift is much larger than any gifts formerly given to his Majestie's Printers; therefore craves that the gift may be rectified, and extended no farther then former gifts.

It is answered—That his Sacred Majestie conformed to the laudable example of his progenitors and the undoubted right of his Crown, printing and the regulation of the Press being by all laws reckoned *inter regalia*, he did by a gift under his royal hand constitute Andrew Anderson, his heirs and assignees, for the space of fourty-one years, his sole Printer, and likewise supervisor of the press: and in the gift his Majestie doth expressly specify the particulars peculiar to his Printer, such as Laws, Publick Proclamations, Bibles of all sorts, Psalters, New Testaments, Confessions of Faith, and Catechisms, Larger and Shorter, which are of publick concern to the religion, government, and laws of the kingdom, that these be not corrupted, vitiat, or altered; and whereanent his Majestie's Printer is expressly obliged in

the gift: and also there are books of divinity and several others exprest, with a power of inspection and surveying the press, that no scandalous books be imported or reprinted prejudicial to religion or his Majestie's authority or government; it being notour that the country is pestred and infected with these books, as the League and Covenant, Jus Populi, Naphtali, and the like; as it is his Majestie's undoubted prerogative to constitute his Printers and Supervisors of the Press at his pleasure, so it were most necessar and seasonable at this time.

And whereas it is represented that this is a monopolie, and an extension beyond former gifts. It is answered—That a complaint being made to the Lords of the Privy Counsel thereanent, they, with consent of his Majestie's Printer, did determine and distinguish the limits betwixt his Majestie's Printer and the other printers of the kingdom, and did specifie a multitude of books which are of most universal use, that might be printed by all other printers. And thereafter his Majestie's gift, and this Act of Counsel, were expressly ratified in Parliament, notwithstanding the opposition made thereunto by the other printers. And there is a great difference to be made betwixt this gift and the former gift given by his Majestie's father, of happy memory, to Evan Tyler, because he was a stranger and forraigner, and had not the priviledge given by his Majestie to the present Printer of supervising the Press. And yet in that same former gift, there is sole power given to Evan Tyler to print Laws, Proclamations, Bibles, Concordances, Psalms, New Testaments, Confessions of Faith, Calenders, and Primers, which were Catechisms, and severall other books, which were all prohibite to be printed by any others, and the clause in the present gift relative to former gifts is not at all taxative, but in favour of his Majestie's Printers; and if it should be so interprete so as not to extend beyond the former gift, it would cut off most part of the books which are particularly exprest, which were an absurd interpretation of a general clause.

To convince his Royal Highness and the Estates of Parliament that this is an unjust clamour, and that Robert Saunders is only hounded out to call in question his Majestie's prerogative, or defame his Majestie's Printer, there is herewith

produced a mutual contract, about a twelvemonth since signed betwixt his Majestie's Printer and Robert Saunders, whereby Robert is allowed to print any English copies that are licenced that he may think fitt, provided these be not presently to be printed by his Majestie's Printer, and they are oblidged each to other not to transgress their particular obligements under a penalty.

So that it is evident his Majestie's Printer hath used no severity, nor hath Robert Saunders any pretence that he is straitened in his employment; and in respect of the contract, he can not be heard to object against the gift.

And the truth is, this complaint is fomented by other persons, who either love to make noise or make dust, or by some ill-disposed stationers, who, if they were quit of the oversight of his Majestie's Printer, would import and reprint these scandalous and seditious books, whereof they have most gain and advantage: in regard his Majestie's Printer can neither tolerate nor allow the same, or reap any benefit by that unlawful subject of trade, which is too usual.

In respect whereof, it is humbly expected his Royal Highness[1] and the Lords of the Articles will reject this bill, as being most improper in itself, and absolutely incompetent to Robert Saunders, in regard of his contract, and who never served an apprenticeship, or was freeman as a printer.

Watson, the elder, had, it would seem, a claim against Charles II. for money advanced by his father to that monarch when in exile. As usual, the cash was not forthcoming, and his improvident Majesty gave him instead a grant of Printer to the Royal Family, with a privilege of printing Almanacks, or Prognostications, as they were then called. He died in 1687, and his son, though bred a printer, being too young to succeed him, the office thus created was given by James to Peter Bruce, or, as Watson the younger calls him, "Bruschii," an engineer[1] by profession, and a German by birth. From his procuring the gift it is presumable that he was a Roman Catholic, that being then the sure passport to preferment.

Dec. 31, 1687.—JAMES,[2] &c. Forasmuch as We, taking into our royal consideration, that by the late deceas of James Watson, the place and office of Printer to our Family in our ancient Kingdom of Scotland is

[1] Watson says that "he brought in water to the wells in Edinburgh by an order from the then Chancellor," p. 17.

[2] James Duke of York and Albany, afterwards James VII. of Scotland and II. of England, who came to Scotland in 1679, as his brother's representative, and left in 1682, towards the end of the year.

now vacant in our hands, and at our gift and disposition, and being now graciously resolved to bestow the same upon Peter Bruce, as a person sufficiently qualified for discharging the dutie of the same: Therfor, witt ye us to have nominat, made, constitute, and ordained, lykeas we, by these presentis, nominates, makes, constitutes, and ordains, the said Peter Bruce to be Printer to our Family in our said Kingdome during all the dayes of his life; giveing, granting, and disponing unto him, dureing the space forsaid, the place and office of our Printer aforsaid, with all and sundry fees, forfeits, benefits, casualties, immunities, freedomes, privileges, and others quhatsomever, pertaining, belonging, or that shall be known hereafter to pertain and belong, to the same, as fully and freely in all respects and conditions as the said place and office was, or might have formerly been, enjoyed by the said deceast James Watson, or any others authorised by him in the same; and particularlie without prejudice of the said generality, with full power, liberty, and sole priviledge to the said Peter Bruce, and such persons as shall be employed by and under him, of printing Prognostications within our said Kingdome: Prohibiting hereby, and dischargeing all other printers and persons whatsomever from presuming to print any Prognostications there without his speciall licence and approbation, as they will answer the contrair at their perills. Given under our Privie Seall, at our Court at Whythall, the threttie-one day of December jm vje eightie-sevene years, and of our Reigne the third year.[1]

Poor Mr Bruce did not make much of his grant, for although he got possession of the elder Watson's printing-house and printed some trifling things, the next year he was ruined by the mob at the Revolution; and a creditor of the Dutchmen carried away the printing materials, and sold them to the Company of Stationers, then at law with Mrs Anderson.

Watson, the younger, set up business in 1695, and was attacked by Mrs Anderson as usual. It is satisfactory to know, that after a long discussion before the Privy Council, "she was so well expos'd, that she made no attempt afterwards of that kind."[2]

1 Privy Seal Register, vol. iv. p. 248. 2 P. 18.

ACCOUNT OF THE SHIRE

OF

FORFAR,

CIRCA 1682,

BY

JOHN OCHTERLONY, Esq. OF GUYND.



This exceedingly interesting Topographical Account of the County of Forfar has been printed from a transcript amongst the Topographical Collections of Walter Macfarlane of that Ilk, now in the Library of the Faculty of Advocates. This gentleman was the brother uterine of John Spottiswoode of Spottiswoode,[1] and step-son of John Spottiswoode, Advocate, of whom some particulars will be found in a previous part of this volume. His mother was Helen daughter of the Viscount of Arbuthnot, who married first John Macfarlane of Macfarlane, and secondly, John Spottiswoode.

The Information[2] relative to Forfar was furnished for the use of Sir Robert Sibbald of Kipps, Knight, a Physician of considerable eminence, who flourished during the latter portion of the seventeenth and beginning of the eighteenth century, and whose valuable Historical and Topographical Collections have thrown important light on the history of his native country. His zeal in this pursuit was unbounded, and he spared neither personal labour nor a well furnished purse in collecting books and manuscripts. The latter were, on the sale of his library, fortunately purchased by the Faculty of Advocates. Anxious to collect every possible information relative to his native country, and the antiquities and traditions then existing, he caused the ensuing advertisement to be printed and circulated over all Scotland.

"Whereas his Sacred Majesty, by his patent, hath constituted Sir Robert Sibbald, one of his Physicians in Ordinary, his Geographer for his Kingdom of Scotland, and commandeth and ordaineth him to publish the description of the Scotia Antiqua et Scotia Moderna and the Natural History of the products of his ancient Kingdom of Scotland: These are earnestly to entreat all persons that they would be pleased freely to communicate their answers to these following queries, or any of them, directing them to the said Sir Robert Sibbald, at his lodgings at Edinburgh, or to Mr James Brown, at his house in Hart's Close, who is deputed by the said Sir Robert Sibbald to receive and registrate them; or to Robert Mein, postmaster at Edinburgh, to be sent to any of them; withal specifying in their letters the place of their habitation, that they may be again written to, if occasion require, and an honour-

[1] He died at the age of eighty-two on the 11th March 1793.

[2] It is thus titled in Macfarlane's MS.—"Information for Sir Robert Sibbald anent the Shyre of Forfar, by Mr —— Ochterlony of Guynde."

able mention shall be made of them in the work, according to the importance of the information.

" GENERAL QUERIES TO WHICH ANSWERS ARE REQUIRED.

1. What the nature of the county or place is, and what are the chief produets thereof?
2. What plants, animals, metals, substances cast up by the sea, are peculiar to the place, and how ordered?
3. What forests, woods, parks? What springs, rivers, lochs, with their various properties? Whether medicinal? With what fish replenished? Whether rapid or slow? The use of the rivers, and their embouchures?
4. What roads, bays, ports for shipping, and their description? And what moon causeth high water? What rocks and sholes on their coasts?
5. What ancient monuments, inscriptions, graved and figured stones, forts, and ancient camps? And what curiosities of art are or have been found there?
6. What great battles have been there fought, or any other memorable action or accident?
7. What peculiar customs, manners, or dispositions, the inhabitants of each county or town have among them?
8. What monasteries, cathedrals, or other churches, have been there, and how named?
9. What places give, or formerly have given, the title to any Nobleman? As also, what ancient seats of Noble families are to be met with?
10. What the government of the county is? Whether sheriffdom, stewartry, or bailliery?
11. What towns of note in the county, especially towns corporate? The names of the towns, both ancient and modern? Whether they be burrows royal, of regality, or barony? The magistracy of towns corporated? When incorporated, and by whom built? With the return of Parliament-men, the trade of the town, how inhabited, and their manner of buildings? What public or ancient buildings? Their jurisdiction, &c.?
12. In what Bishoprick each county or any part thereof is? Who is sheriff, stewart, or bailie; and who commands the militia? What castles, forts, forests, parks, woods, his Majesty hath there?

" TO THE NOBILITY.

What sheriffdoms, baillieries, stewartries, regalities, baronies, and burrows, they have under them? What command of the militia? What special privilege, dignity, and heritable command they have? The rise of their family, continuance, and their branches? What forests, woods, parks, loughs, rivers, mines, and quarries, they have? What fishing?
What harbours they have? What their titles are? What memorable actions raised or aggrandised their family?

" TO THE CLERGY.

What their privileges and dignities are? Their erection? The bounds of their Diocese? Their Chapter? The number of the parishes in their Diocese? Their jurisdiction? Their foundations for public and pious uses? Their revenues? What lands hold of them? Their houses &c.?

"TO THE GENTRY.

What the rise of their family, their privilege and dignity? What baronies and burrows under them? What harbours? What forests, woods, parks? Their houses? The description and names of them? The chief of the name, and the branches? The memorable exploits done by them, and the eminent men of the name? Their heritable command and jurisdiction?

"TO THE ROYAL BURGHS.

Of what standing? The Constitution of their Government? Their privileges, jurisdiction, and its extent? Their publick houses, churches, forts, monuments, universities, colleges, schools, hospitals, manufactures, harbours? What their latitude and longitude is, &c.?

"TO THE UNIVERSITIES AND COLLEGES.

What standing they are of? Their privileges, jurisdictions, and its extent? Their constitutions? The number of their Professors—their names? What they teach? Their salaries, foundations, and their founders? Their revenue and dependences? Their houses, churches, and chapels, edifices and monuments? Their libraries, curious instruments? The account of famous men bred there, or masters there? What are the observations of the masters or students that may be for the embellishment of this work?

The answers to these preceding queries are to be registrated and inserted in their proper places.

The answers to the queries is earnestly desired, that no person may complain if what concerns them be not insert, for the author is resolved to insert all that he is assured of the truth and certainty, as informed.

"*Imprimatur*, Jo. EDINBURGEN."[1]

This attempt was partially successful, and valuable materials to a considerable extent were thus preserved, and the accounts of Fife and Kinross—of Linlithgow and Stirling—of Orkney and Zetland, by Sir Robert Sibbald, were the result.[2] Amongst the Collections still in MS. is the ensuing "Information anent the Shyre of Forfar," which was contributed by John Auchterlony, Esq.[3] of Guynd, on whose life we regret our inability to throw any light—a circumstance the more to be regretted, as this solitary production of his pen affords pregnant evidence of his industry, acuteness, and ability.

The Statistical Account of Scotland subsequently carried through by Sir John Sinclair, however meritorious, had not the credit of being an original project, as it was evidently based on the plan suggested and partially effected by Sir Robert Sibbald at least a century before.

In 1678 a Latin account of the county of Angus was written by Robert Edward, styled minister of Murroes, or Muirhouse, in Forfarshire

[1] Edinburgh: printed by John Reid, at his printing-house in Bell's Wynd, anno 1682. Bishop Paterson then held the See of Edinburgh. He was subsequently translated to Glasgow.

[2] The History, Ancient and Modern, of Fife and Kinross, was printed at Edinburgh in 1710: of Linlithgow and Stirling, Edin. 1710; and of Orkney and Zetland, Edin. 1711, all in folio.

[3] John Auchterlonie of Guynd was, upon the 12th of April 1676, served heir of John Auchterlonie, his father, in the lands of Guynd, with the teinds in the Lordship of Arbroath.

intended to accompany a large map of the County executed by the same hand, and printed on one large sheet of paper. It is now extremely rare—so much so, that for a long time the only known copy was in the Panmure Library. A translation, now scarce, was made in 1793, 8vo. pp. 44. It is meagre and imperfect, but contains a few curious particulars, some of which will be found in the notes to the present Article. According to Charteris' Catalogue, "Robert Edwards, minister at Muirhouse, wrote the Doxology approven, 8vo. Edin. 1683."

The following Works may be noticed as partially illustrating the topography of the Shire of Forfar :—

1. A Statistical Account of the Parish and Town of Dundee in the year MDCCXCII. By Robert Small, D. D. Dundee, 8vo. pp. 84. A plan of the town, and four views of principal places were published immediately afterwards. These are sometimes bound up with Dr Small's pamphlet.
2. General View of the Agriculture of the County of Angus, or Forfarshire, with Observations on the Means of its Improvement, drawn up for the Consideration of the Board of Agriculture, and Internal Improvement. By the Rev. James Headrick, minister of Dunnichen." With a Map of the County prefixed. Edin. 8vo. 1813.
3. In 1822 was printed at Dundee a History of that town which contains a good deal of curious original matter Amongst other interesting information is an account of the streets in Dundee, extracted from the MS. of a private gentleman there, who first came to that town in 1758, contrasting their state then with their condition in 1815. The following is a copy of the title page—"Dundee Delineated, or a History and Description of that Town, its Institutions, Manufactures, and Commerce. Illustrated with Engravings of its principal Public Buildings, &c. and Plans of the New Harbour, and Docks, and Lunatic Asylum. To which is appended A General Directory, containing the names of the principal Inhabitants, their Place of Residence or Business, Public Offices, &c. Dundee, 1822." 12mo.
4. The History of Brechin, by David D. Black, Town-Clerk. Brechin, 1839. 12mo.
5. Views of the Castle of Edzell, with relative letter-press. Edin. 1838. Folio. The views are very beautifully executed, and convey a good idea of this once magnificent baronial residence.
6. Views of the public buildings, &c., in the Royal Burgh of Montrose, with letter-press description, published at Montrose by Messrs. Nicol, Booksellers.

ACCOUNT OF THE SHIRE

OF

FORFAR,

CIRCA 1682.

THE Shyre of Forfar, so called from the head burgh thereof, is divided in fyve Presbetries, viz. Forfar, Dundie, Migill, Brechine, and Aberbrothock, and hath therein fyve Royal Burghs, viz. Forfar, Dundie, Brechine, Montross, Aberbrothock; Burghs of Regalitie two, Kerremuir and Couper; divers Burghs of Baronie, as Glammes, Edzielburgh, Easthaven of Panmure, &c. The judicatories thereof are the Sherref Court, whereof the Earls of Southesque are heretable Shirreffs;[1] four Church Regalities, viz. Aberbrothock, Brechine, and Couper, whereof the Earls of Airlie are heretable bailzies; Rescobie, whereof the Earls of Crawfurd are heretable bailzies, the Archbishop of St Andrews being Lord of the Regalitie, and the whole lands thereof hold of him. Some few some waird, but the other thrie hold of the King feu, and are all oblidged as a pairt of the reddend of the charters, to give suit and presence at thrie head Courts in the yeir, at their respective burghs above written. Item, one temporall regalitie, Kerremuir, whereof the Marquis of Douglas is Lord of Erectione, and directs his brieves for inquests out of his own Chancelerie, and hath a depute residing in the Shyre. The whole regalitie hold of him either

[1] This Noble Family suffered for their adherence to the Stuart cause, the last Earl having been attainted in 1715. The present representative is Sir James Carnegie, Bart. of Kinnaird, who but for the attainder would be Earl of Southesk. This is one of the very few titles attainted in 1715 not restored.

waird or fen. The Bishop of Brechine hath his Commissariot Court at Brechine, his See, where are divers other Courts of the King's Barons and Burghs Royall within ther own bounds.

The militia of the shyre is one regiment, consisting of one thousand foot, commanded by the Earle of Strathmore, Colonell; Laird of Edziell, Lieutenant-Collonell; Laird of Pitcur, Major; two troups of horse, consisting both of 103 horse, one thereof commanded by the Earle of Airlie, the other by the Lord Carnegie. The length of the Shyre from east to west, viz. from the Burne of Innergowrie upon the west, which divides the shyre of Perth, to the Water of Northesk on the east, which divides the shyre from the shyre of Kincardine, is 28 myles, and from any place of the coast on the south syd to Bramar on the north syd will be much about the same. The Hill of Glenquiech, it is thought, will be the centre. It is an excellent countrie along the coast, which we call the length thereof, exceedingly fruitfull of all kynd of graine. Thrie good harbours for shipping, as shall be spoken of in their own place; several fishertowns, as Northferrie, Panbryd, Easthaven of Panmure, Auchmutie, Ulishaven, Ferredene; divers salmond fishings on the rivers of Tay, North and South Esk; divers gentlemen's houses, cuningares, and dovcoats, as is in all the rest of the shyre, and shall be described in their proper place, and are abundantly provided of peat and turf for feuell; great abundance of cattel, sheep, and horse, especially the brae country, who have great breeds of cattle, sheep, goats, and horse; and in all the laigh countrey for the most part, except in some few places on the coast where they are scarce of grass, all breed als many as sufficiently serve themselves, but the chief breeds in the shyre are the Earles of Strathmore, Southesk, Panmure, and Edzell, Pourie, Balnamoone, both for horses and cattle.

The principal rivers of the shyre are Northesk, having its beginning at a great distance in the highlands, and falls into the sea four myles to the east Montrose. Southesk hes likwayes its beginning in the highlands, and runneth through a pairt of that excellent countrie called Strathmore by the towne of Brechine, and thence to Montross, where it maketh an excellent harbour, and falleth in the

sea. The Water of Lounane[1] hath its beginning in the mosses of Loure, and falleth in the sea at Reidcastle. Alongst that river is that fyne little countrey called Strathbegg. *Begg*, an Irish word, signifies *little*, and *mor*, *great*. Brothock, having its beginning in the meadowes of the Leyes, and running by the walls of the yeards of Aberbrothock, falls in the sea. Dichtie, having its beginning in the Loch of Lundie, runneth through a very fine countrey called Strath-Dichtie-Martine, and falleth in the sea at Monifieth, four myles east from Dundie. Gowrie, which hath its beginning in the hills of the Carse of Gowrie, and falleth in the river Tay at Innergowrie, four myles west be Dundie. Carbit, taking its beginning in the mosses of Dilta and Hyndcastle, runneth by the Castle Glammis, and thence west till it join with ane other water called the Water of Dean, coming from the Loch of Forfar, and run both together westward, and is called Dean, untill they meet with ane other water coming from Glenyla, and all thrie running west together, are called the Water of Glenyla, until they fall in the river of Tay, six myles above Perth, and there loose ther name, and these, with many others, make the river of Tay the greatest river of Scotland, and is navigable to the toune of Perth, and falleth in the sea six myles from the toune of Dundie at a place called the Gae of Barrie. There are several other small rivers, which I judge unnecessarie to speak off.

There are two Abbeys, viz. Aberbrothock and Couper; one Priory, Restennet; with several other religious houses, all now ruinat and demolished. Several great lochs, abounding with several kinds of fresh water fishes, as pykes, pearches, and eels; all kinds of water-foul and swans breeding in some of them. The lochs are Lundie, Kinnordie, Glames, Forfar, Restennet, Rescobie, Balgays, Balmadies, Barrie. Abundance of parks and inclosures, which shall be spoken to in their own proper place; great plentie of wyld foul in all places of the countrey, especially in the highlands, where there are great plenty of muirfoules and heathfoules and others, some heart and hynd, roebuck and does. In the low countrey, abundance of patridges, plivers, dottrills,

[1] Luman.

quailes, snips, and other small foules in great plentie, besides birds of prey, as hawkes of all kinds, ravens, crows, and such lyk; all kind of salt and fresh waterfoul, and one especially, kittiewauks, nothing inferior in tast to the solan geese of the Basse.

The countrey aboundeth in quarries of freestone, excellent for hewing and cutting, especially one at the Castle of Glammes far exceeding all others in the shyre, of a blewish colour; excellent milne-stones; great abundance of sklait and lymestone in divers places; ane excellent lead myne in Glenesk, belonging to the Laird of Edzell. All alongst the sea coast there is abundance of that we call ware, in Latin *alga marina*, cast up by the sea, and is gathered by the people and carried to ther land, which occasions a great increase of cornes where it is laid. There are abundance of amphibious creatures bred in the rocks betwixt Arbroath and Ethie, called sea-calves, who gender as other beasts doe; and bring furth their young ones in the dry caves, whereof there is abundance, and suck them there till they be of some bignesse and strength to swime in the water; the old ones are of a huge bignes, nigh to ane ordinare ox, but longer, have no leggs, but in place thereof four finnes, in shape much lyk to a man's hand, whereupon they goe but slowly. In the end of September, which is the time they go a land for calving, several in the town of Aberbrothock goe to the caves with boates, and with lighted candles search the caves, where, apprehending, they kill diverse of them, both young and old, whereof they make very good oyll. There is lykwayes of them in the river of Tay, but smaller, whereof none are taken, or any benefit made; there is lykwayes ane other creature in shape lyk to ane fish called a mareswine, and will be of twenty or four-and-twenty feet long, all alongst the coast, but especially in the river of Tay, where they are in great abundance, killing a great deal of salmond, and doing a great deall of injurie to the fishings. In thir few years there were great numbers cast up dead all alongst the river of Tay, with great wounds and bylings upon ther bodyes, which gave occasion to conjecture that there had been some fight amongst them at sea.

PRESBETRIE OF FORFAR.

The Presbetrie of Forfar is divided in twelve parishes, viz. Forfar, Glames, Kennetles, Innerarity, Methie, Dunichine, Aberlemno, Rescobie, Cortaquhie, Clovay, Tannadyce, Kerremuir.

Forfar is a large parish, both toune and landward; hath but one minister, called Mr Small; the toune are patrons of the church, and is in the Diocese of St Andrews. The toune of Forfar being a burgh royall, hath a Provest, two Bailzies, have commissioners at Parliament, Convention of Estates, and Burrowes; John Carnegy, Provost, and Commissioner to the Parliament. It is a very antient toune, and we find in historie the first Parliament that was ryden in Scotland was kept there: also, King Malcome Canmore had a house, and lived frequentlie there. The ruines of the house are yet to be seen in a place called the Castlehill. At little distance is ane other little mott where the Queen's lodgings were, called to this day *Queen's manore.* It is a considerable little toune, and hath some little trade of cremerie[1] ware and linen cloath, and such lyke. It is prettie well built, many good stone houses sklaited therein, and are presently building a very stately cross; hath a large church and steeple well plenished with bells; they have some public revenue, and a good deal of mortifications to their poor, doled by the bountie of some of their town's men, who going abroad became rich; they have a good tolbuith, with a bell in it; they have four great faires yeirly, and a weekly mercat. The Shirref keeps his courts there; and all publick and private meetings of the shyre, both in tyme of peace and war, are kept there. They have been very famons for their loyaltie, especially in that base[2] transaction when King Charles the First, of ever blessed memorie, was delyvered over by our Scots Parliament to the English at Newcastle. Strang, the then Provost of Forfar, did enter his protestation publickly against the same, and presently rose from the table and deserted the meeting, which this present King Charles the Second so much resented[3] that he

[1] *Cremerie* or *cramery*—merchandise, goods sold by a pedlar.

[2] Mr Ochterlony deserves credit for giving the proper name to this disgraceful act.

[3] Sic in MS. meaning *applauded.*

called for the person, and publickly spoke to his advantage, and added something to the priviledges and immunities of the place he represented.

In the landward parish thereof there are severall gentlemen's houses, as Meikleloure, a good house, and well planted, with an excellent moss, good cornes, and well grassed, belonging to the Earle of Northesk. Balmashanner, an old familie, belonging to Patriek Cairncrosse; Halkerstoune, Gray; Tarbeg, Gray, with a good moss; the place is very ear,[1] and lyes in that exeellent eountrey of Strathmore.

Kinnetles, Mr Taileor, minister, in the Dioeese of St Andrews, Bishop of Edinburgh, patrone, hath in it the house of Bridgetoune, belonging to . . . Lyon, a grandehild of the House of Strathmore. A good house, well planted, exeellent yard and orehard, very fruitfull in bear and oats, and abundanee of grass. Kinnetles is ane exeellent corne place, a tolerable good house, belonging to Patrick Bowar, a burgess in Dundee. It lies upon the water of Carbit.

Glames.—The Castle of Glames, Earl of Strathmore's speciall residenee in the shyre—a great and excellent house,[2] re-edified, and furnished most stately with everything neeessare—with excellent gaites, avenues, courts, garden, bowling-greens, parks, inclosures, hay meadows, and planting, very beautifull and pleasant, lying upon the river Carbit at that place ealled the Water of Glames, where there are hard by the house two great bridges, one of stone of two arehes, and another of timber, as large as the other. Be-east the house, and within the park, is another, called the Yeat Bridge, by which their whole peats are brought, and by which his Lordship is served from his mosses be-north the water in great abundanee, and hath ane other little house there ealled Cossines.

In a little distanee to the Castle of Glames is the towne thereof, all belonging to the Earl. It is a burgh of barronie, hath two great faires in it yearly, and a weekly mercat. There is a cunnigare[3] within the park, and doveeoat at the burn—Mr Lyon, minister thereof. In the Dioeese of St

[1] Or that harvest is early.

[2] A curious print of this fine old Castle is in Sleizer's "Theatrum Scotiæ."

[3] Rabbit warren.

Andrews—the Earl, patrone. The Familie is very ancient and honourable, one of the Lords of Glames having married King Robert II.'s daughter, and got at that tyme from the King the thannadge of Tannadice, which he still enjoyes at this time. Two of the Familie have been Chancellours of Scotland, and a third Thesaurier. The present Earle is one of his Majesty's Privye Counsell, and was one of the Thesaurie. He hath many considerable vassals in the shyre.

Glen, belonging to the Laird of Claverhouse, Grahame, ane ancient gentleman of good extraction and great estate in the shyre—a pleasant place, a good house, and well planted, excellent quarrie of freestone and sklait, well furnished of peat and turfe, and in the hill thereof abundance of muirfoull. The sklait is carried to Dundie on horseback, and from thence by sea to all places within the river of Forth. Dunoone, belonging to George Innes; the Earle of Strathmore superior.

Inneraritie and Methie are now joyned in one parish, and have but one minister, viz. Mr Grahame. In the Diocese of St Andrews—the King's Majesty, patrone. Little-Loure is a good house, belonging to the Earl of Northesk, who is superior of the haill parish of Methie, well appointed of peat and turff for their own and the country's use about. Wester Methie, to Patrick Bower of Kinnetles; Easter Methie, to Alexander Bower of Kincaldrum. The kirk of Methie is ruinous and decayed. Barronie of Innerarity belongs to the Laird of Pourie, Fotheringhame, with a house of that same name, with a great park, and birkwood therein. Item, ane other excellent new built park called the park of Tarbra and Inverichtie, a good house, belonging to William Gray. Kingoldrum, to Alexander Bower, who hath a considerable interest in the parish, purchased by his grandfather, a burgess of Dundie. This parish lies on both sydes of the water of Carbit.

Dunichine, baronie of Ouchterlony, which formerly belonged to the Lairds of Ouchterlony of that Ilk, but hath no house on it, is a considerable thing, and a pleasant place, belonging to the Earl of Southesk. Barronie of Tulcorse, belonging to John Ouchterlony of Guynd, only representative of the forsaid familie of Ouchterlony of that Ilk. Dumbarrow, Arrot. The parish lies on both sydes of the Water

of Lounane, which at that place is called Evenie: the minister called Mr Lindsay. In the Diocese of Brechine; Earl of Panmure, patrone thereof.

Aberlemno.—The chief heritor thereto is the Laird of Auldbar, Young, chief of his name, ane excellent and great house, good yards and planting, built by one of the Earls of Kinghorne, and twyce given to the second sons of the House, which for want of heirs returned to the Family again, and was lastly sold to one Sinclair, from whom this present Laird coft [bought] the same. Melgund, belonging to the heirs of Alexander Murray, son to Sir Robert Murray, late Provost of Edinburgh, ane excellent house, good yards, and two fyne parks, and much planting; ane excellent outer court before the gait, with excellent stone walls about it: the house built by Cardinall Beatone, and the parks by the Marquis of Huntlie, and some addition made to all by Henry Maule, late laird thereof. It is a very sweet and pleasant place, fruitfull in cornes, well grassed, and abundantly provided of turf, as is also Auldbar, and the rest of the parish, from the Muir of Montroymont. Carsgoume, belonging to Alexander Campbel. Tilliequhadline, belonging to the ancient name of Thorntoune of that Ilk. Balgayes, anciently belonging to the familie of Ouchterlony of that Ilk, now to Mr John Wiseheart, Advocat and Commissar of Edinburgh, representative of the familie of Logie-Wiseheart, chief of his name. Mr Ouchterlony, minister. In the Diocese of St Andrewes; the King's Majestie and the Earle of Perth, patrons, who present *per vices*.

Rescobie.—There are severall gentlemen's houses therein, as Pitscandlie Lindsay, a good house, and well planted. The old Priorie of Restennet, whereof the church walls and steeple are yet extant, with the loch formerly spoken, the Earle of Strathmore, Pryor; Dod, Hunter; Carsbank, Guthrie; Wester Carse, a pleasant place, well planted, belonging to Sir Patrick Lyon, Advocat. Drummie, Nisbit; Balmadie, formerlie belonging to the Lairds of Ouchterlony of that Ilk, and was the mannor house of the family, and their buriall was at the kirk of Rescobie, until they purchased the lands of Kellie, where, after having built ane house, they changed both dwelling-place and burial; with ane loch abounding with pykes, pearches, and eels, but all kinds of fresh

water fowls, as all the other lochs thereabout are. And further, in the loch of Restennet do swans yearly bring furth their young ones ; there are severall eyl-arks[1] on these lochs, viz. Balmadies, Balgayes, Restennet, Guthrie, Pitmoues. Mr Lyon, minister. In the Diocese of St Andrews ; Earl Strathmore, patrone.

Tannadyce.—Most part of the parish belongs to the Earl of Strathmore, called the Thannadge of Tannadyce, and was by King Robert the II. given to the Lord Glames, in tocher with his daughter. There are severall gentlemen's houses in the parochine besyd, as Kinnatie, Ogilvy ; Inshewane, Ogilvy ; Cairne, Lindsay ; Easter and Wester Ogils, Lyons ; Whytwall, Lyon ; Balgillie, Lyon ; Murthill, Lyell, ane ancient familie and cheiff of his name, a pleasant place lying upon the water of South Esk ; Memus, Livingstoune ; Memus, Guthrie. Mr Lyon, minister. In the Diocese of St Andrewes ; New Colledge thereof, patrons to the church.

Cortaquhie and Clovay.—Cortaquhie, the Earl of Airlie's speciall residence, is a good house, well planted, lies pleasantly on the water of South Esk. The whole parish belongs to the Earl. Clovay belonging to Sir David Ogilvy, brother to the Earle, is a fyne highland countrey, abounding in cattle and sheep, some cornes, abundance of grass and hay, as all the highland countreys of the shyre are. It hath a chappel, and some benefice for a vicar that reads there every Sabbath, and preaches there. The family is very ancient and honourable, and have ever been very famous for their loyaltie, especiallie in the times of our Civill Warrs. The late and present Earl of Airlie, with his brethren Sir Thomas, who died in his Prince's service, and Sir David, now living, have, with diverse others of their name, given such evident testimonie of their loyalty to their Prince that will make them famous to all succeeding generationes, which doubtless you will get account of, to be recorded to their everlasting honour. Mr Small, minister. In the Diocese of Brechine ; the Earl, patrone.

Kerremuir.—A Burgh of Regalitie, holden for the most part of the Laird of Pourie, Fotheringhame, who holds the same, with the miln of Kerremuir, of the Marquis of Douglas ; the rest of the Laird of Inneraritie, who holds it the same

[1] Eel-Ark, says Jamieson, "is used in old deeds for that kind of box used in lakes, ponds, &c. for catching of eels ; this is called an eel-ark."

way—a very ancient and honorable familie of the name of Ogilvy, who have been lykwayes very remarkable for their loyaltie, Sir Thomas, young Laird thereof, being executed at Glasgow for his concurrence in his Majestie's service with his Commissioner, the Marquis of Montross; and his second brother Sir David, father to this present Laird, suffered very much by imprisonment, being taken prisoner at Worcester, where he lay long, was fyned, and his estate sequestrated for a long tyme by the rebells. It is a great estate, a good old house, fyne yards, and much planting; it lyeth pleasantlie upon the waters of South Esk and Carritie. Glenpressine, a fyne highland interest belonging to the Laird of Bandoch in Perthshyre. It lyes at a great distance from Kerremuir, and therfore hath a curate who reads in the chapell every Sabbath-day. Logie, Ogilvy, a cadet of the House of Balfour; a good house, well grassed, with excellent meadows and mosses. Ballinshoe, belonging to Robert Fletcher, a pleasant place, good mosses, lying within the forest of Plattone, where the Earle of Strathmore has a very considerable interest, which, with a great deall more lands therabout, belonged to the great and famous House of Crawfoord. Glesswall, Lundie. Much of the parish hold of the Marquis of Douglas, as doeth all the Regalitie, ether waird or feu. He hes his Regalitie Court in the toune of Kerremuir, where his Depute-Clerk and other officers, put in by himself, do reside. It hath thrie great faires, and a weekly mercat of all kinds of commodities the countrey affords, but especially of timber, brought from the highlands in great abundance.

PRESBETRIE OF DUNDIE.

The Presbetrie of Dundie is divided in eleven parishes within the shyre of Forfar, the rest within the shyre of Perth, viz. Dundie, Moniefieth, Monikie, Murroes, Maines, Tealing, Ouchterhouse, Liff, Strathmartine, Lundie, Benvie.

Dundee hath a great landward parish besyd the towne, which is a large and great towne, very populous, and of a great trade, and hath many good ships. The buildings are large and great, of thrie or four stories high; a large merkat place, with a very fyne tolbuith and cross; two great churches, with a very high steeple well furnished of bells, as is also the tolbuith. They have thrie ministers, whereof

the towne presents two, and the Constable of Dundie one; their Magistrates are a Provost, four Bailies, Dean of Gild, and others are shirreffs within their own bounds: they are joyned in nothing to the shyre except the militia, whereunto they furnish 150 foot. It lyeth upon the water of Tay very pleasantlie, and hath good yards and meadowes about it. They have four great fairs yearly, two mercat days everie week, and a great fish mercat dayly. There is a great consumption there of all kynd of victualls; the excyse of malt there being little short of the whole excyse of the shyre and burghs, besyd a great victuall mercat twice a week for service of the towne, besydes great quantities of all kinds of grain, coft by the merchants, and transported, by which returnes they import all kynd of commoditie from Holland, Norway, Denmark, and the east countrey. They export lykwayes all other our native commodities, and import other things necessary for the service of the countrey, which serves above 20 myles round about their towne. Their trade is very great, as is evident by the books of Custome. They have dependance in many things upon the Constables, who have been of the name of Scrimgeour, heritors of Dudope, and Standard-Bearers of Scotland, ane ancient, loyall, and honorable familie, and of late were made Earls of Dundie;[1] but the estate falling in his Majestie's hands as *ultimus heres*, the Lord Haltoune, now Earl of Lauderdaill, was constitute the King's donator, and has the same privilege and superioritie, with the haill estate of the late Constable and Earle of Dundie.

The toune has a good shore, well built with hewen stone, with a key on both sydes, whereof they load and unload their ships, with a great house on the shore called the Pack-House, where they lay up their merchant goods; ane large

[1] The title of Dundee was in the Family of Scrimgeour. Sir John Scrimgeour of Dudhope, Constable of Dundee, was created Viscount of Dudhope and Lord Scrimgeour, 15th Nov. 1641, with remainder to the heirs-male of his body, which failing, his heirs-male whatsoever. He died 7th March 1643, and was succeeded by his son James, who died 23d July 1644, of a wound received at the Battle of Marston-Moor. He married Lady Isabel Kerr, third daughter of Robert first Earl of Roxburgh, and by her had his successor John, the third Viscount, who was created Earl of Dundee, Viscount of Dudhope, Lord Scrimgeour and Inverkeithing, in 1661. He died without issue 23d June 1668, and with him the male descendants of the first Viscount terminated.

hospitall, with diverse easement and a good vent. The landwart parish thereof are first Dudope, ane extraordinare pleasant and sweet place, a good house, excellent yards, much planting, and fyne parks. It lyes pleasantly on the syde of the hill of Dundie, overlooks the town, and as of purpose built there to command the place. Dundie Law is at the back thereof, ane exceeding high mott hill. The Bonnet Hill of Dundie, a large towne, all feuars of the House of Dudope. Claypots, belonging to the Laird of Claverhouse; Blackness, Wadderburn, a good house, with a considerable estate in acres about the toune; Duntroone, Grahame, a pleasant place, with fyne parks and meadowes about it; Pitkerro, belonging to Durhame, a good house, extraordinary well planted, good yards and orchards, a very pleasant place; Baldovie and Drumgeicht to Clayhills of Innergowrie. Craigie, Kid, excellent land, a good house, with a little new park; Balgey, Davidsone, a good house, and good land. Mr Scrimgeour, Mr Guthrie, Mr Rait, ministers; Mr Ranken, catechist. In the Diocese of Brechine.

Moniefieth.—Laird of Balumbie, brother to the Earl of Panmure, hath the kirktowne thereof, with the salmon fishings in the river of Tay, with a considerable estate in the parish besydes. Grange, Durhame, ane ancient family and chief of his name, a good house, yards, and planting, with salmond fishings in the river of Tay; Ardounie, a good house, yards, and much planting, with dovecoats there and at Grainge, both belonging to him; Balgillo, Hunter, with a salmond fishing upon Tay, and a great cuningaire; Omachie, Durham, with a house and dovecoat; Kingdunie, Broughtie Castle, with a great salmond fishing belonging to the Laird of Pourie, Fotheringhame, who has lykewayes ane other interest in the parish. Mr Dempster, minister. In the Diocese of St Andrews; Earl of Panmure, patrone.

Monikie.—Most part of all the parish, with the castles of Dunie and Monikie, belong properly to the Earl of Panmure, and is called the Barony of Dunie, wherein is that sweet and excellent place Ardestrie, with excellent yards, hay meadows, and a park. The whole Baronie is excellent land, and hath severall dovecoats therein; there is lykwayes a fine park at Monikie belonging to the said Earl. Auchinlek of that Ilk, a very ancient familie, which has continued in that name these many generations, ane old high tower

house, which is seene at a great distance at sea, and is used for a landmark by those that come in the river of Tay. Mr Rait, minister. In the Diocese of Brechine; Earl of Panmure, patrone.

Murroes.—Balumbie, the Earl of Panmure's second brother's designatione, ane old ruinous demolished house, but is a very pleasant place. The Laird of Pourie, Fothringhame, a very honourable and ancient familie, of a great and flourishing fortune. He has lykwayes the Murroes in that parish. Both are good houses, sweet and pleasant places, excellent yards, well planted parks, and hay meadows and dovecoats extraordinary good; and a little from the house of Pourie, toward the south, a fine little wood of fir and birk, with a stone dyke; and is chief of his name. Easter Pourie, Wedderburne, formerly belonging to the Lairds of Pourie. Ogilvy, who were repute chief of that great and ancient name of Ogilvy; it is a very good house, with good yeards and parks about it; and at the foot of the castle-wall runs a litle rivulet, which going to Balumbie, and from thence to Pitkerro, falls in the river of Dichtie, is a very pleasant place, and he is chief of his name, whose predecessors have been clerks of Dundie for these many generations. Westhall, with a dovecoat; as also one at Easter Pourie, belonging to Mr Archibald Peirson. Mr Edward,[1] minister. In the Diocese of St Andrews; Earl of Panmure, patrone.

Maines.—The Maines of Fintrie, belonging to the Laird of Fintrie, Grahame, ane ancient and honourable familie, whose predecessor was eldest son of a second marriage of the Lord Grahame; severall considerable persones cadets of his House. It is a good hous; excellent yards, with a great deal of good planting, with parks and dovecoats. Claiverhouse,[2] Laird of Claiverhouse's speciall residence, and Little Kirktowne, Scrimgeour, laitly purchased by a merchant of Dundie of that name.[3] The Laird of Pourie, Fothering-

[1] Author of the Account of Angus noticed in the Introduetion.

[2] This was John Grahame, better known as Viscount of Dundee, to which diguity he was raised by patent dated 12th Novemher 1688, with remainder to the heirs-male of his body, which failing, his other heirs-male.

[3] This is somewhat at variance with Wood, who makes this person in his Peerage, vol. i. p. 467, *third* proprietor of Kirkton of that name, and heir-male of the last Earl of Dundee—a circumstance which, if true,

hame, has ane interest lykwayes in that parish. It is all extraordinarie good land, and lyes upon the water of Dichtie. Mr Strachan, minister. In the Diocese of St Andrews ; Earl Panmure, patrone.

Tealing.—The house of Tealing, Maxwell, is a good house, well planted, and good yards. The Earl of Strathmore, Lairds of Pourie and Claiverhouse, have interest in the parish. It is excellent good land, well accomodate in grass and fir, and lyes betwix Dundie and the hills of Sidlaw. Mr M'Gill, minister. In the Diocese of Dunkeld ; the King's Majestie, patrone.

Ouchterhouse belongs for the most part to the Earl of Strathmore ; a fyne house, good yards, and excellent parks and meadows, with a dovecoat. It formerly belonged to the Earl of Buchane. Mr Robertsone, minister. Within the Diocese of Dunkeld ; Earl Strathmore, patrone.

Liff, Logie, and Innergowrie, three churches joined in one. The lands in the parish are extraordinare good, as Newbigging and Innergowrie, belonging to Robert Clayhills ; ane excellent house, good yeards, much planting, a great park and dovecoat. Drybnrgh, Zeaman, hath a good estate there, where, at a place belonging to him called Patalpe, that great battail betwixt the Scots and Picts was fought, and Alpinus' head struck off, called from thencefurth Basalpine, and now Patalpie. Nether Liff, belonging to the Lord Gray, who have been formerly most ancient and honourable, being still the first Lord of the kingdome, and of whom are descended many considerable persons. Mr Cristisone, minister. In the Diocese of St Andrews; the King's Majestie, patrone.

Strathmartine.—The Laird of Strathmartine, a good house, well accomodate with cornes and grass, and chief of the name of Wyntoune. Baldovane, Nairne, a very ancient name in the shyre of Fyffe, whose predecessors were Lairds of Sanfoord, Nairne, on the south syd of the Water of Tay, over against Dundie, and is chief of his name. Mr Fergusone, minister. In the Diocese of St Andrewes ; Archbishop thereof, patrone.

would have given him the Viscounty of Dudhope, under the remainder to heirs-male.

Lundie.—Earl Strathmore has ane interest there. The greatest part of the rest of the parish belongs to ane Duncane,[1] a merchant's son in Dundie. It is a big old house, hath a great loch, abounding in pykes, pearches, and eels, with abundance of fresh water foul. Mr Campbell last minister; now vacant. In the Diocese of St Andrews; and in respect the kirk is joyned in one with the kirk of Foules; the patronage is debaitable betwixt the Lord Gray, Laird of Auchtertyre, heritor of Foules, and some other pretenders.

Benvie.—The whole parish belonged formerly to the Earl Dundie, and now to the Earl of Lauderdaill. By that same right he holds the rest of the Earl Dundie's estate. It holds of the Earl of Panmure as superior, and was anciently a pairt of the Barronie of Panmure; a very sweet place, good ground, and borders with the shyre of Perth. Mr Scryngeour, minister. In the Diocese of St Andrews; Earl Lauderdaill, patrone.

PRESBETRIE OF MEIGLE.

The Presbetrie of Meigle is divided in twelve parishes in the shyre of Forfar, the rest are in Perth, viz.—Keatens, Newtyld, Eassie, Nether Glenyla, Over Glenyla, Blacklounans, Nether Airlie, Lentrathene, Kingoldrum, Couper, Ruthvene.

Keatens, wherein is the house of Pitcur, belonging to the Laird of Pitcur, Halyburtoune;[2] it is a great old house, with much fyne planting. It is ane ancient, great, and honourable familie, whereof there are many persones of good quality descended, and they have been allyed to many honourable families in the kingdome. Most part of the parish belongs properlie to him, and the rest most of them his vassals, or otherways depends upon him. Fotherance, whose grandfather, the Lord Fotherance, a Senator of the Colledge of Justice, was a nephew of the House of Pitcur. In the Diocese of Dunkeld; but the minister's name and patrone are unknown to the informer.

Newtyld.—The house of Newtyld, with the most part of the whole parish belonging formerlie in propertie, and the

[1] The ancestor of the gallant Lord Viscount Duncan. Lundie is in possession of the Earl of Camperdown, his Lordship's son and successor.

[2] David Halyburton killed at the Battle of Killiecrankie. See Memoirs of Lord Viscount Dundee, London, 1714, p. 27.

rest of the parish in superioritie, to the Laird of Pitcur, and lately sold by him to Sir George M'Kenzie of Roshaugh, his Majesty's Advocat, is a very good house, much planting. Ane excellent countrey, fertill in cornes, abounding in grass for pastur, and meadows for hay, not inferior to any part of the shyre. Abundance of excellent moss, and extraordinare good pasturage for multitudes of sheep on the hills of Kilpurnie. Mr Black, minister. In the Diocese of Dunkeld; Earl of Panmure, patrone.

Eassie and Nevoy, two small parishes served with one minister, and have preaching in them every other Sabbath-day. Both the parishes are extraordinary good land, and well served of grass and fir. The heirs of the late Lord Couper have a considerable interest there. The Laird of Nevoy of that Ilk, ane ancient gentleman, and chief of his name. The Lord Nevoy, late Senator of the Colledge of Justice, who also assumes the title of Nevoy. Earl of Strathmore hath ane interest in that parochine. Mr John Lammie of Dunkennie, a pleasant place. Kirktoun of Essie belonging to the Laird of Balthyock in Perthshyre. All thir parochins lye in Strathmore. Mr Lammie, minister. In the Diocese of St Andrews.

Couper.—The precinct of the abbey built by Malcolm IV., King of Scotland, and some rent belonging thereto, is only in the shyre of Forfar, and pertaines to the heirs of the late Lord Couper. It has been a very sweet place, and lyes in a very pleasant countrey, but now nothing but rubbish. Mr Hay, minister. In the Diocese of Dunkeld; Lord Balmerinoch, patrone.

Ruthvine.—A little parish belonging altogether to a gentleman of the name of Crightoune, ane ancient familie; a good house, well planted, and lyes pleasantly upon the water of Dean, and a prettie oakwood. He hath ane estate equivalent thereto in Nether Glenyla; it and the former lye in Strathmore. Mr Fife, minister. In the Diocese of Dunkeld; Earl Panmure, patrone.

Over and Nether Glenyla are joined in one parish, and have severall small heritors therein holding of the Abbey of Couper. They are highland countreys, have some cornes, abundance of cattle, sheep, goat, and much hay. They live most on butter, cheese, and milk; they kill much venison and wyld foull. The summer they goe to the far distant glens

which border upon Braemar, and there live grassing their cattle in little houses which they build upon their coming, and throw down when they come away, called sheels. Their dyet is only milk and whey, and a very little meatt, and what vennison or wyld foull they can apprehend. The Earl of Airlie hes a good interest in that parish called Forther, with two great woods called Crundirth and Craigiefrisch. He has a large glen for grassing, with abundance of hay meadows, with a free forrestrie, which in those places they reckone much worth. The nature of the people and these of Blacklounans, a highland place in the parish of Alithe, consisting of divers small heritors holding of the Laird of Ashintillie, Spalding, all one with the other highlandmen, that you will get described to you in other places, except that the Irish is not their native language, for none speak Irish there except strangers that come from other parts; notwithstanding, that in Glenshie and Strathairdle, their next neighbours, the minister always preaches in the afternoon in the Irish tongue. Mr Nevoy, minister. In the Diocese of Dunkeld; Earle Airlie, patrone.

Nether Airlie.—The Baronie of Baickie,[1] pertaining to the Earle Strathmore, a great interest and excellent land, and als good cornes, and a great deal more ear [i. e. early] than upon the coast; the house of Airlie brunt in the tyme of the rebellion, becaus of his loyaltie, and never re-edified. The Laird of Balfour, Ogilvy, has lykwayes a considerable estate in it; it lyes in Strathmore. Minister, Mr Lyon. Within the Diocese of Dunkeld; Earl Strathmore, patrone.

Lentrathene.—Most part of the parochine belongs to the Earl Airlie; there are some heritors besyd. Peell, Ogilvy. Shannalie, anciently belonging to the Lairds of Ouchterlony of that Ilk, now to Patrick Hay. Glenquharitie, Ogilvy. Mr Ogilvy, minister. In the Diocese of Dunkeld; Earl Airlie, patrone.

Kingoldrum.—The Laird of Balfour, Ogilvy, hath the greatest interest there, ane ancient gentleman, and a great estate; it hath a great house built by Cardinall Beatone, and much planting. Persie, Ogilvy; Persy, Lindsay;[2] Baldovie, Hunter.

[1] "Baikie and some other lands there belong to one Mr John Arrat."—MS. note on Sibbald's copy.

[2] "The Pearsies belong now to John Edward, lately sold to Mr John Galloway."—MS. note on the same.

The Earl Airlie hath ane interest there. Earl of Panmure hath a considerable feu-duetie paid out of that parish. Kingoldrum and Lentrathene are two brae parishes, but have abundance of corne, grass, and fures,[1] and lye pleasantly on the south syd of the hills. Lentrathene hes lykwayes a great loch abounding with such fish and foull, as the other loches of the shyre are. Mr Rait, minister. In the Diocese of Dunkeld; Earl Panmure, patrone.

PRESBETRIE OF BRECHINE.

The Presbetrie of Brechine is divided in eighteen kirks, viz.—Oathlaw, Fearne, Carraldstoune, Menmuir, Navar, Brechine, Strickathroe, Peart, Logie, Dun, Montross, Inchbraick, Marietoune, Kinnaird, Farnell, Edzell, Lethnet, and Lochlie.

Oathlaw.—The whole parish formerly belonged to the Lord Spynie, but now to the Laird of Finhaven, a second sone of the House of Northesk. It was a great old house, but now by the industrie of this present Laird is made a most excellent house; fine roomes and good furniture, good yards, excellent planting, and inclosures, and avenues. It lyes, as all the Presbetrie of Brechine doe, except the brae countrey, in Strathmore, and the water of Southesk runs pleasantly by the foot of the Castle of Finhaven, and has some bushes of wood upon the water; it is ane excellent corne countrey, and well grassed. Mr Straitone, minister. In the Diocese of Brechine; Laird of Finhaven, patrone.

Fearne.—The parish belongs totallie to the Earl of Southesk, and hath a very good house therein called the Waird, well planted, good yards; the house presently repaired by him, and well furnished within; it hath ane excellent fyne large great park called the Waird of Fearne. It is a very fine brae countrey, much corn, and abundance of bestiall; plentie of muirfoull in the braes thereof. Mr Cramond, minister. In the Diocese of Dunkeld; Earl Southesk, patrone.

Carraldstone belongs totallie to the Laird of Balnamoone, Carnegy, whose grandfather was a son of the House of Southesk; a great and most delicat house, well built, brave lights, and of a most excellent contrivance, without debait the best gentleman's house in the shyre; extraordinare much planting, delicate yards and gardens with stone walls, ane excellent

[1] Furze?

avenue with ane range of ash-trees on every syde, ane excellent arbour, for length and breadth none in the countrey lyke it. The house built by Sir Harry Lindsay of Kinfaines after [wards] Earl of Crawfourd, which great and ancient Familie is now altogether extinct. It was formerly within the parochine of Brechine, and being at so great a distance from the towne of Brechine, Sir Alexander Carnegy, grandfather to this Balnamoone, built a very fyne little church, and a fyne minister's manse, upon his own expenses, and doted a stipend, and gave a gleib thereto out of his own estate. It lyes on the north syd of the Water of Southesk. Mr Murray, minister. In the Diocese of Brechine. Laird of Balnamoone, patrone.

Menmuir.—The half of the parish belongs to the Laird of Balnamoone, with the house well planted, good yards, ane excellent corne countrey, well accomodate of grass, hay, and fir. Baljordie, ane ancient familie, and chief of the name of Symmer. Balhall, Lyell ; Barroun, Livingstoune ; a pleasant sweet stance, good yards, and well planted. Mr Campbel, minister. In the Diocese of Dunkeld ; Balhall, patrone.

Navar.—Most part thereof being a little highland parish, belongs to the Earl of Panmure and Balnamoon. Its a part of the Earl of Panmure's title of honour. Balnamoon has a house in it called Tilliebirnie, well accomodate in grass park, and meadows. Mr Sympsone, minister. In the Diocese of Brechine ; the King's Majestie, patrone.

Edzell, Lethnet, and Lochlie, being three parishes, have only two ministers, one in Edzell, and one for Lethnet and Lochlie, and have a curate, who hath a benefice, and reads at the chappel of Lochlie ; belong all propertie to David Lindsay, Laird of Edzell,[1] ane ancient and honourable familie, and only representative of the famous familie and house of Crawfoord-Lindsay. It is ane excellent dwelling, a great

[1] His father, John Lindsay of Edzell, on the extinction of the male line of David ninth Earl of Crawfurd, became chief of the Lindsays. He married Magdalen, daughter of George first Earl of Northesk, by whom he had two sons—David, referred to in the text, and John ; and a daughter, Magdalen, who married Lauchlin Macintosh of that Ilk. David, his heir, married Agnes, niece of the Laird of Fintry. He died in 1686. His death is thus recorded in the Parish Register—"Upon the fifteenth day of February 1698, the Right Honourable the Laird of Edzell died, and was buried on the fifteenth day of March, and the minister of Edzell, Mr John Balvain, preached his funeral sermon on the foresaid day." Edzell now belongs to Lord Panmure. The castle is in ruins.

house, delicate gardens with walls, sumptously built of hewn stone polished, with pictures and coats of armes in the walls, with a fyne summer-house, with a house for a bath on the south corners thereof, far exceeding any new work of thir times, excellent kitchine-garden, and orcheards with diverse kynds of most excellent fruit and most delicate; new park with falow-deer. Built by the present Laird; it lyes closs to the hills, betwixt the water called the West Water and water of Northesk, which joyning together, make, as it were, a demi-island thereof; it hath an excellent outer court, so large and levell, that of old, when they used that sport, they used to play at the football there, and there are still four great growing trees which were the dobts. It is ane most extraordinare warm and early place, so that the fruits will be readie there a fourtnight sooner than in any place of the shyre, and hath a greater increase of bear and other graine than can be expected elsewhere.

West from Edzell lyes Lethnet, and northwest from Lethnet lyes Lochlie, both highland countries, but pay a great rent in moe, besydes casualities of cowes, wederis, lambs, butter, cheese, wool, &c. There is abundance of vennison, muir and heath-foules; in the forrest thereof great plentie of wood. In Lochlie is the great and strong castle of Innermark, upon the water of Northesk. It is very well peopled; and upon any incursions of the Highland katranes, for so those Highland robbers are called, the Laird can, upon very short advertisment, raise a good number of weill armed prettie men, who seldom suffer any prey to goe out of their bounds unrecovered. Mr Irvyne, minister of Edzell; Mr Norie, minister of Lethnet and Lochlie. In the Diocese of Brechine; Laird Edzell, patrone to all.

Brechine is a Royall Burgh. The Bishopp is Provost thereof; hath the electione of a Bailie. Earl Panmure hath the electione of the eldest Bailie, and the toune [has] one. It lyes very pleasantlie upon the north syde of the water of Southesk, which runneth by the walls thereof. The yards thereof, to the south end of the Tenements thereof, where there is a large well built stone bridge of two arches, and where Earl Panmure hath a considerable salmond fishing, and lykwayes croves under the castle walls, which lyes pleasantly on the water, and is a delicat house, fyne yards, and planting, which, with a great estate thereabout, belonged formerly

to the Earl Marr, and now to the Earl Panmure, and is called the Castle of Brechine.

The toune is tollerablie well built, and hath a considerable trade, by reason of their vicinity to Montross, being fyve [eight English] myles distant from it; but that which most enriches the place is their frequent faires and mercats, which occasion a great concourse of people from all places of the countrey, having a great fair of cattle, horse, and sheep, the whole week after Whytsunday, and the Tuesday thereafter a great mercat in the toune; they have a weekly mercat every Tuesday throughout the yeare, where there is a great resort of highland men with timber, peats, and heather, and abundance of muirfoull, and extraordinarie good wool in its seasone. Item, A great weekly mercat of cattle, from the first of October to the first of Januare, called the Crofts Mercat. Item, A great horse mercat weekly throughout all Lent. Item, A great horse fair, called Palm Sunday's Fair.[1] It is a very pleasant place, and extraordinare good land about it. Earl of Southesk has a great interest lykwayes in the parish. Ballnabriech, belonging to the Laird of Balnamoone, a good house, and a considerable thing. Cookstoune, belonging to John Carnegy, lyeth very pleasantly at the North Port of Brechine, and is good land. The Laird of Findourie hath a considerable interest there, the most of it in acres about the toune; a good house, and well planted. Arrot, belonging to the Viscount of Arbuthnot, is a fine little house, lying upon the north syd of Southesk, with a fishing. Auldbar hath lykwayes an interest there. Pitforthie, Rait; Keathock, Edgar; with a good new house, built by this present Laird. Mr Skinner, minister.

Strickathroe.—A great pairt of the parish belongs to Sir David Falconer, Lord President of the Colledge of Justice,[2] and lyes on the south syd of North Esk, and is called the Baronie of Dunlappie. Strickathroe, Turnbull, hath a good

[1] The Knights Templars had property in Brechin. A tenement of land, situated on the west side of the High Street, where that street is intersected by the Upper Meal Wynd, still holds as of the Superior of the Temple lands in Scotland.

[2] As Lord President Falconer died on the 15th December 1685, it is obvious that this Account of Forfarshire must have been written prior to that date. An Elegy to the memory of his Lordship is printed in the "Scotish Elegiac Verses," 1842, 8vo. p. 42.

estate in it, as also the Earl of Southesk. Mr Couttis, minister. In the Diocese of Brechine; Earl of Southesk and Lord President, patrons, and [they] present *per vices.*

Peart—Is ane excellent sweet place, lyeth on the south syde of the North Esk, excellent good land, and belongeth equallie to Sir John Falconer of Galraw and James Scott of Logie, where there is a large stone bridge of two great arches over the water of North Esk, built by one of the Lairds of Dun; but not being altogether finished, there were raills put upon the same of very good hewen stone, amounting to a great expence, by this present Laird of Dun. Mr Guild, minister. In the Diocese of Brechine; Heretors, patrons. The ministers there are chanters of Brechine.

Logie.—The chief heritor is the Laird of Logie, Scott, a gentleman of a good estate thereabout. Galraw, belonging to Sir John Falconer, ane excellent new built house, with much old planting, and fyne yards, and salmond fishing.[1] Craigo, to Mr James Carnegy. All lying very pleasantly upon the south syde of North Esk. Mr Symsone, minister. In the Diocese of Brechine.

Dun.—The whole parish did formerly belong to the Lairds of Dun, as did the parish of Logie, and Barony of Arrot. It is ane ancient and honourable familie. It is a great house, well planted, good yards and orchards. The situatione is pleasant, and extraordinare good land; hath a large outer court, and the church on the south-east syde thereof, and the minister's manse hard by. It lyes on the north syde of South Esk, where he hath a good salmond fishing. Mr Lichtoune, minister. In the Diocese of Brechine; the Laird, patrone.

Montrose—Is a Royal Burgh, having a Provost, four Bailies, and a Dean of the Guild, and others. It is a very handsome well built toune, of considerable trade in all places abroad; good houses all of stone, excellent large streets, a good tolbuith and church, good shipping of their own, a good shore at the toune, a myle within the river of South Esk; but the entrie is very dangerous for strangers that know it not, by reason of a great bank of sand that lyeth before the mouth of the entrie, called Long Ennell, but that defect is supplied by getting pilots from the neighbouring fisher-towns of

[1] Since purchased by Alexander Dempster, merchant in Montrose.—MS. note by Sibbald.

Ulishavene or Ferredene, who know it so well that they cannot mistake. It is a very cheap place of all things necessary except house rent, which is dear, by reason of the great distance they are from stones, and makes their building very dear; yet, notwithstanding, they are constantly building both in the toune, and suburbs, which are at a considerable distance from the toune, in the Links, where are their malthouses, and kills, and granaries for cornes, of thrie storeys high, and some more, and are increased to such a number, that in a short tyme it is thought they will equall, if not exceed, the toune in greatness. They are well appointed of flesches and fishes, which are extraordinare cheap in that place, and have them in great abundance of all sorts. They have a good public revenue, two wind-milnes, ane hospitale, with some mortificationes belonging to it; they are mighty fyne burgesses, and delicate and painfull merchants. There have been men of great substance in that toune of a long time, and yet are, who have and are purchasing good estates in the countrey. The generalitie of the burgesses and merchants do very far exceed these in any other toune in the shyre. They have a good landward parish, and severall heritors therein, viz. Logie, Scot, before mentioned, who hath very good houses and yards in the toune; Kinnaber, Fullertoune, a pleasant place, lying on the south syde of North Esk, with salmond fishings; Borrowfield, Talzeor; Heatherwick, a new built fyne house, belonging to David Scott. Mr Lyell and Mr Neill, ministers. In the Diocese of Brechine; the Toune, patrons.

Inchbraick, formerly belonging to Sir John Carnegie, a second son of the House of Southesk, now to Patrick Scott, son to James Scott of Logie, sometime Provost of Montross. It is a great estate, excellent good land lying upon the south syd of the water of Southesk untill ye come to the mouth of the water, and then turneth west the coast untill ye pass Ulishavene, a fishertoune of his. He hath ane other called Ferredene, and hath salmond fishings there. The river makes ane island betwixt Montross and Ferredene, where the kirk in old stood, and the whole parish is designed from the island, and is still the buriall place of the parish. They always wait the low water, and carries over their dead then, being almost dry on the south syd when it is low water. He

hath thrie houses there, viz. Craig, Rossie, two excellent houses, rebuilt with excellent good yards, orchards, and planting. Craig hath ane excellent fountaine, with a large basone of hewen stone, whereunto water is conveyed by pypes of lead from a spring at a good distance.

Baldovie, a gentleman's house, of the name of Dundas; farther up the south syde of South Esk, with a salmond fishing. Dunynald, belonging to Thomas Allerdyce, a second son of the House of Allerdyce of that Ilk in Mernes. A good estate, and a fyne new built house, with good yards, where there is great plentie of excellent lymestone; it lyes upon the coast, which all alongst from Montross is a rockie iron coast, and there is a large spacious bay, which makes a sure and saif road for any ships in a storm, called Lounane Houp. Mr Mathie, minister. In the Diocese of Brechin.

Marietoune.—That parish lyes upon the south syde of South Esk from Baldovie up to Kinnaird. There are therein Old Montross, formerly belonging to the Marquis of Montross, and is their title, now to the Earl of Middletoune,[1] one of his Majestie's Secretaries of State, a pleasant place, good house, excellent yards and planting, delicate land; with a salmond fishing on the water Bonnietoune, belonging to Sir John Wood, ane ancient gentleman, and good estate, well planted, good yard, orchard, and dovecoat, and excellent good land. Dysart, Lyell, a good house, lyes on the coast be-west Dunynald, with a dovecoat. Mr Lindsay. minister. In the Diocese of Brechine; Bishop thereof, patrone.

Kinnaird and Farnell.—Both these parishes belong entirely to the Earl of Southesk, without competition the fynest place, taking altogether, in the shyre; a great house, excellent gardens, parks with fallow deer, orchards, hay meadows, wherein are extraordinare quantities of hay, very much planting, ane excellent breed of horse, cattle, and sheep, extraordinare good land. Farnell is lykewayes ane extraordinare sweet place, delicat yards, and very much planting. My Lord is patrone of both, and are in the Diocese of Brechine. The familie is very ancient and honourable these six generations. In Queen Marie Regent, Queen Marie,

[1] Charles, second Earl of Middleton, only son of the celebrated General Sir John Middleton, created Earl of Middleton, Lord Clermont and Fettercairn, by patent, in 1660.

King James the Sixth, King Charles the First, and his Majestie now reigning, they have been Officers of State and Privie Counsellors, and have all of them been verie famous for their loyaltie, and of late have suffered much upon that accompt, and have been honoured by having his present King's Majestie, his father, and grandfather, of blessed memorie, at their house of Kinnaird.

Upon the west syd of both parishes lyes that great and spacious forrest called Montroyment, belonging to his Lordship, and abounding in wyld foul and haires.

PRESBETRIE OF ARBROTH.

The Presbetrie of Arbroth is divided into eleven parishes, viz. Kinnell, Innerkillor, Lounane, St Vigeans, Arbroth, Arbirlot, Carmylie, Idvie, Guthrie, Panbryd, Barrie.

Kinnell.—Most part of the parish belongs to Earl Southesk, being adjacent to Farnell and Kinnaird, with the house of Balshione, well planted with excellent fine yeards. Easter Braichie, belonging to Sir Francis Ogilvy of New Grange, a great-grandchild of the House of Airlie. Wester Braichie, a gentleman of a nigh relation of the House of Gray; both good houses, and well planted. Mr Thompsone, minister. In the Diocese of St Andrews; Archbishop, patrone.

Innerkillor.—Most part of the parish belongs to Earl Northesk, as the Barronies of Ethie and Redcastle, with others. Ethie is the principal dwelling; a very good house, laitly reedified by John Earl of Ethie, grandfather to this present Earl, and who was a son of the House of Southesk, a noble, worthie, and loyall persone, who suffered much for his loyaltie, as was also his son the Earl Northesk, father to the present Earl. They have fyne yards, orchards, and park. It lyes pleasantly on the coast be-west Lounnan Houp, formerly spoken to, and is very good land, and hath a fishertown belonging thereto called Auchmuthie, whereby they are abundantly served of all kind of fishes all seasons of the yeir. In the rocks of Ethie there engendereth ane excellent falcone yeirly. Abundance of sea-foul and kittiewaicks formerly spoken of. Reidcastle,[1] ane old house upon the sea

[1] This belonged to Sir Francis Ruthven, created a Baronet by Charles II. He married Elizabeth, second daughter of Lord Ruthven of Freeland, by whom he had three daughters, 1. Elizabeth, who married the Reverend

syde, under the walls whereof runs the river of Lounane. King William, when he built the Abbey of Arbroth, dwelt there. Laird of Boysack, a grandchild of the House of Northesk, hath a good estate there, and a good house called Boysack, on the water of Lounan. The Laird of Bonnietoune hath a considerable interest in the parish. Breyingtoun, belonging to Mr John Rait, minister, a gentleman of the House of Halgreen in the Mernes. Lawtoune, to Gairdyne of that Ilk, a very ancient familie, and chief of his name. Mr Rait, minister. In the Diocese of St Andrews; Earl Panmure, patrone.

Lounane.—The most part of this parish belongs to the Earl of Northesk, called the Barony of Lounane. Innerlounane, belonging to Ogilvy, brother (of) Innerwarity. Ardbickie to John Mudie, a good new house, and good land. All that parish, Innerkiller, Kinnell, Idvie, Guthrie, and a part of Rescobie parish, are in Strathbegg. An extraordinary pleasant country on both sides of the water of Lounane. Mr Peddie, minister. In the Diocese of St Andrews; Earl Panmure, patrone.

St Vigeans lyeth about a myll above Arbroth, on the water thereof; ane old great kirk built upon ane high artificial mount, as is famed, by one Vigeanus, a religious man, and was canonized, and the church bears his name. Places in the parish are Innerpeffer, with a considerable interest, belonging to the Earl Panmure; a pleasant sweet place, lying upon the coast three myles be-west Arbroth; fyne yards, orchard, and planting, and although it be in St Vigeans, yet the whole parish of Arbirlot is interjected betwixt them. North Tarrie belonging to Earl Northesk, well planted with yards and orchards, lyeth on the east syde of the water of Brothock. Lethem, on the west syde of the said water, a pleasant place, with good yards, orchards, well planted, with a hay meadow, belonging to Sir John Wood of Bonnietoune. New Grange lying on the east syd of the said water, good yards, well planted, and pleasant meadows. Collestoune, presently purchased by Doctor Gordone, good house, planting, and meadows. Parkconnone, Ramsay; Cairnetoune, Ramsay; Muirhouse, belonging to the Laird of Guynd;

James Pitcairn in 1670; 2. Isobel, married James Johnstone of Gradney; and 3. Anne, who died unmarried.

Easter Seatowne, Crawford; Wester Seatowne, Guthrie; both lyeing together on the coast, good houses, yards, and planting, with a little park at the Easter Seatowne, the rocks whereof abound with sea calves, sea foull, and wyld pigeons. South Tarrie, Leslie, a fyne little house and yards, excellent ground, lyeing at the east syde of the toune of Arbroth. Hospitalfield, and Kirktoune, a pleasant place, and good land, belonging to a gentleman of the name of Fraser, of the Familie of Philorth, where they gather abundance of that *alga marina*, wherewith they dung their land to their great advantage. Mr Strachane, minister. In the Diocese of St Andrews; Earl Panmure, patrone.

Aberbrothock—Is a Burgh Royall, hath a Provost, two Bailzies, whereof the Earl of Panmure hath the electioun of the first. It is a pleasant and sweet place, and excellent good land about it, built upon the east syd of the water of Brothock; they have a shore, some shipping, and a little small trade; it hath one long large street, and some by streets; it is tolerably well built, and hath some very good houses in it; but the beautie and decorement of the place in tymes past was that excellent fabrick and building of the Abbey thereof, built by King William, King of Scots, and endowed by him and others with great rents and revenues, and lyes buried there in a piece of very stately work built by himself for that purpose, and is a very stately piece of work of thrie storie high. The whole fabrick of the buriall-place is still entire as at first, and if it be not thrown downe, may continue so for many generations;[1] the laigh storey is the buriall-place, and the second and third storeys were employed for keeping the chartours of the Monastrie. There is one lodging remaining yet entire; it had a most stately church, with two great steeples on the west end thereof; most part of the church is ruined, but was the largest both for breadth and length it is thought in Scotland. There is much of the walls thereof as yet standing in many places; the tower thrie storie high is standing yet entire, and the roof on it; there was ane excellent roume, called the fish-hall, standing, with ane excellent oak roof; but that with much more of the building by the avarice of the town's people about there, were all broken down, and taken away.

[1] The burial-place of William the Lion has long disappeared.

There were, besyd the Cathedral Church,[1] four chapples, viz.—St Thomas' Chapple, the Abbey being dedicat to St Thomas Becket, Archbishop of Canterburrie; it was richly furnished, and a gentleman told me he saw the verrie things in a chapple at Parish,[2] and was told they were removed thither by the Monks of Arbroth the tyme of Reformation, extraordinare rich, but of an antique fashione; Lady Chapple; St Ninian's Chapple. The Almes-house Chapple is now possest by James Philip of Almryclose,[3] his house built of the stones thereof, and has all the apartments belonging thereto. The fabrick was great and excellent, having many fyne gardens and orchards, now converted to arable ground, about which is a high stone wall, and now by the King's gift belongs to the Bishop of Brechine. Hard by the towne upon the east syd is Newgait, belonging to a gentleman of the name of Carnegy, of the Family of Southesk, a very good house and pleasant place; Almryclose is in the head of the towne, and good house and yards. Sundie Croft, a little interest belonging to a gentleman of the name of Peirsone, who is ancient, and withoutt debait chief of his name. Mr Carnegy, minister. In the Diocese of St Andrews; the King's Majestie, patrone.[4]

[1] This is a mistake. The abbey-church of Aberbrothock, or Arbroath, never was a cathedral, and although its ruins indicate that it was an edifice of great architectural magnificence and extent, it was not, as the worthy Laird of Guynd supposes, the "largest both for breadth and length" in Scotland.

[2] Paris.

[3] From the Memoir of Cameron of Locheil we learn that Mr Philp, or Philip, of Almeriecloss, was the author of a Latin poem on the exploits of Dundee, entitled "Grameis." He is also supposed to be the author of two Elegies, one on the Laird of Pitcur, and the other on Gilbert Ramsay, a gentleman who left the service of Themis for that of Mars, and was slain at Runrorie, for so the Highlanders style Killicrankie. See note by Editor to his Collection of Scottish Elegiac Verses, 1842, 8vo. p. 265.

[4] "In the high and steep rocky shore," says Edward, "on the north side of Arbroath, there are many caves; some of which, by their vast length and extent, seem to surpass the utmost efforts of human power and industry to explore. They are fifteen in number; some of the most remarkable we shall describe. And first, the Filthy Cove (for every one has its peculiar name) is sixty paces in length, having the sea running up into it; for thirty paces it may be entered. It is forty feet wide, and twenty feet high. Seals frequent this cave, as they do all the others, into which the sea enters, where, at the autumnal equinox, when they have their young with them, the country people go in boats, with clubs and spears, and kill both the mothers and their young, frequently sixteen at a time; the oil

Arbirlot.—Most part of the parish, with the house of Kellie, which formerly belonged to the Lairds of Ouchterlony of that Ilk, belongs now to Henry Maull, third brother to the present Earl Panmure, is a good and very great house, well planted, and stands very pleasantly on the water of Ellot. The rest of the parochine belongs to the Earl Panmure, is excellent good ground, and lyes alongst the coast two or thrie myles. Mr M'Gill, minister. In the Diocese of St Andrews; the Earl of Panmure, patrone.

Carmyllie.—The most part of the parish belongs to the Earl of Panmure, with the house of Carmyllie. Carnegy, belonging to the Earl Southesk, and is the title of the eldest son of the Familie, is a good house, well grassed, a good moss, with ane excellent large park. Guynd, a good house, with yards and planting, lying upon the water of Ellot, belongs to John Ouchterlony, lineal successor, chief and representative of the ancient familie of Ouchterlony of that Ilk. Cononsyth, to a gentleman of the name of Rait, of the Familie of Hallgreen, in the Mernes. Mr Ouchterlony, last

and skins of which are disposed of to considerable advantage. They are killed at any time with guns, when swimming about the shore. The second cave is called the Terrible Well (or Pot of Auchmithie), into which the sea enters forty paces (above this there are corn fields); at the end the cave is open, so that the sea is seen from above, as are the heavens from below, as from the bottom of a frightful well. Astonishing numbers of sea fowl build in all these watery caves; and as to those into which the sea does not enter, one of them is inhabited by foxes and wild-cats; and thousands of pigeons, which have deserted the neighbouring pigeon-houses, take up their residence in the rest. Into some of these caves the peasants drive their sheep during severe seasons, as to a place where they will best be defended from the severity of the northern blasts. Last of all is the Forbidden Cave, whose vaulted roof is fifteen feet in height, and twenty in width. Its length is said to be a mile. Some have gone in sixty paces, where they find a stone obelisk; and it has been affirmed for a truth, that several people of considerable note went in further (rather too rashly, indeed), with torches and candles, that they passed the stone obelisk a good way, and came to an iron one; and presuming to proceed still farther, they were met by horrible spectres, and heard dismal yellings. There are many things told, so wonderful that they are not to be believed, and shall not be here related. When the adventurers had got thus far, their lights went out of themselves without any external cause, which so terrified and confounded them, that they came out with the utmost precipitation, very frightened looking gentlemen, quite unlike the bold fellows who went in. That no amphibious animal may here be without its cave, the otters have one of their own, and in which they are caught by the country people, who make considerable profit by them." P. 39.

minister. Now vacant. Within the Diocese of Brechine; Earl Panmure, patrone.

Idvie.—The Laird of Gardyne of that Ilk, formerly spoken of, hath the most part of the Baronie of Gairdyne, except the house and maines which belong to a gentleman of the name of Ruthvene.[1] Baronie of Idvie to Sir John Wood of Bonnietoun. Pitmowes, belonging to John Ogilvy, a grandchild of a second son of the House of Airlie; a good house well planted, and lyes pleasantly on the water of Evenie. Mr Ballvaird, minister. In the Diocese of St Andrews; Archbishop, patrone.

Guthrie.—The most part of the parish belongs to the Laird of Guthrie of that Ilk, a very ancient gentleman, and chief of his name; his house is well planted, good yards and orchards, good land, well grassed, and lyes pleasantly on the head of the water of Lounane in Strathbegg; Pitmowes and Commissare Wisehart have some interest there. Carbuddo, a gentleman of the name of Erskine, a cadet of the House of Dun, lyes at a great distance from the kirk, and had a chapple of their own, wherein the minister of Guthrie preached every third or fourth Sabbath-day, but is now ruinous. It is abundantly served of peat and turf, not only for their own use, but for the service of the whole countrey about; is a murish cold countrey, and at a great distance from all gentlemen's houses and kirks about it. Mr Strachan, minister. In the Diocese of Brechine; Guthrie, patrone.

Panbryde, alias St Brigid.—The whole parish, except the Barronie of Panbryd, which belongs to the Earl Southesk, appertaines to Earl Panmure, wherein stands the house of Panmure, new built, and, as is thought by many, except Halyruidhouse, the best house in the kingdome of Scotland, with

[1] Descended from the first Lord Ruthven by his second wife, Christian Forbes. The younger brother of William Ruthven of Bandene, father of William Ruthven of Gardyne, was created Lord Ruthven of Ettrick, and Earl of Forth, in Scotland, by Charles I., and Earl of Brentford, in England, by the same monarch. It is remarkable that for a short period the House of Ruthven was again in the ascendant, and the younger branch of the Gowrie Family obtained not only a Scottish Earldom, but an English one. A Barony also was created in the person of Thomas Ruthven of Freeland in 1651, which expired with his only son David in 1701. Lord Forth's nephews—Francis, of Kerse and Redcastle, and John, of Douglas, were knighted, and his grand-nephew was created a Baronet.

delicate gardens, with high stone walls, extraordinare much planting, young and old; many great parks about the new and old house, with a great deal of planting about the old house; brave hay meadows well ditched and hedged; and, in a word, is a most excellent, sweet, and delicate place. The familie is very ancient and honourable, and has been alwayes very great, and were reckoned, before they were nobilitat, the first Barons of the shyre. They have allwayes been very famous for the loyaltie and good service to their Princes. Patrick Earl Panmure, grandfather to the present Earl, having served King James the Sixth and King Charles the First, of blessed memorie, loyallie, faithfullie, and truelie, in the qualitie of Bed-Chamber man, was advanced by King Charles the First to the dignitie of ane Earl, and did continue in his service and duetie to his Sacred Majestie in all his solitudes and troubles, through all the parts of the kingdome, in the tyme of the Rebellione; and afterward in all places of his confynment, and at the Isle of Weight, till the bloodie traitors who afterwards imbrued their hands in his sacred blood, thrust him from his attendance, but was the last Scotsman that attended his Majestie.

It is lykwayes known how the late Earl, his sone, being a colonell of horse, behaved himself when this present King, his Majestie, was in Scotland, both at Dunbar, Inverkeithing, and other places, and how his estate was robbed and spoylt by the usurper's forces here, and he fyned in a vast soume of money, whereby he was forced to redeem his estate from forfaultrie. The place is also famous for that great battle fought there betwixt the Scots and Danes, wherein the Scots obtained a great victorie, and is called the Battle of Panmure. There was one of the Lairds of Panmure killed at the famous battle of Harlaw,[1] and most of

[1] The Knight of Panmure is noticed in that fine old ballad—*The Battle of Harlaw* (Finlay's Ballads, vol. i. Edin. 1808, p. 177), of which we regret no earlier copy as yet has turned up than that interpolated by Allan Ramsay, although there did exist a copy in the library of old Robert Milne, printed in 1668, which cannot now be traced.

> "And thair the Knight of Lawriston
> Was slain into his armour schene;
> And gude Sir Robert Davidson,
> Quha Provest was of Aberdene;
> The Knight of Panmure, as was sene,

all his name in his Prince's service against rebells and usurpers. Balmachie, belonging to a gentleman of the name of Carnegy, of the Familie of Southesk. Mr Maule, minister. In the Diocese of Brechine; Earl Panmure, patrone, and has newly re-edified his buriall-place with a chamber above, with a loft in the kirk, most sumptous and delicate. He hath at Panmure a most excellent breed of horse and cattle.

Barrie.—It belongs to severall heritors. Earl Panmure hath ane interest therein, and the whole parish pay him feu, hath a Bailiery, and keeps Courts there. Woodhill, Kid, a pleasant place. Grange of Barrie, Watsone. Ravensbay, pertaining to the Laird of Gairdyne of that Ilk. Pitskellie, Alexander. Carnoustie to Mr Patrick Lyon, Advocat; the rest are but small heritors. It is ane excellent countrey, good cornes, and well grassed. It is famous for that great battle fought betwixt the Scots and Danes in the Links of Barrie, wherein the Scots obtained the victorie, with great slaughter of both Scots and Danes, which is to be seen at this day by the great heaps of stones casten together in great heapes in diverse places of that Links, which is said to be the buriall of the dead there slain. Those of the Danes who escaped the slauchter of that battle fled with their general Camus, and were overtaken by the Scots four myles from that place, and defeated: their general Camus being slaine upon the place, with many others. Camus with all the dead were buried there, and a great high stone cross erected upon him, which is still extant, and gives name to the place, being called Camustone, and the pillar, the *Cross of Camustone;* it belongeth to the Earl of Panmure. Within these two or thrie yeares the Cross, by violence of

A mortal man in armour bricht;
Sir Thomas Murray, stout and kene,
Left to the world thair last gude nicht."

The Constable of Dundee, who escaped the fate of the gallant Maule, is thus mentioned in the ballad:—

"Sir James Scrimgeor of Duddope, Knicht,
Grit Constabill of fair Dundee,
Unto the dulefull deith was dicht,
The Kingis chief banner-man was he,
A valiant man of chevalrie,
Quhais predecessors wan that place
At Spey, with gude King William frie,
'Gainst Murray and Macduncan's race."

wind and weather, did fall, which the Earl caused re-erect and fortifie against such hazard in tyme to come. The remainder of the Danes that escaped that battle fled northward, where they were overtaken by the Scots at a place in this shyre called Aberlemno, ten myles distant from Camustone, and there beat, and all of them, either killed or taken; and there it is probable some great man was killed, there being ane cross erected there, and called the *Crosstoun of Aberlemno;* they have both of them some antique pictures and letters, so worne out with tyme, that they are not legible, or rather, the characters are not intelligible in thir tymes. Barrie lyes midway betwixt Dundie and Arbroth, six myles[1] distant from either. Mr Carnegy, minister. In the Diocese of St Andrews; the King's Majestie, patrone.

ANCIENT FAMILIES IN THE SHYRE.

Noblemen.—Earls Strathmore, Southesk, Airlie, Panmure, Lord Gray. Gentlemen.—Lairds of Edzell, Dun, Pitcur, Pourie, Fotheringhame, Fintrie, Claverhouse, Innerrarritie, Bonnietoune, Ouchterlony of that Ilk, Gairdyne of that Ilk, Auchinleck of that Ilk, Grange, Durhame, Balmashanner, Guthrie of that Ilk, Baljordie, Balfour, Ogilvy, Strathmartine, Nevoy of that Ilk, Ruthvene, Deuchar of that Ilk, Thornetoune of that Ilk.

Many great families are extinct in this shyre within these few years, as Earls Buchan, Dundie, Cranford, Lords Spynie, Olyfant, besydes many considerable barrons and gentlemen, whose estates are purchased by privat persones, and by merchants and burgesses of the severall burghs of the shyre.

The shyre is aboundantlie furnished of all things necessare for life, such abundance of cornes and cattle, that the consumption within the countrey is not able to spend the sixth part thereof.[2]

I will add no more for our Familie of Ouchterlony of that Ilk but what I have said in the generall description of some places we have and had concern in, but that I have ane

[1] Nearly nine English miles, Arbroath being 17 miles from Dundee.

[2] "Shells containing pearls," says Edward, p. 42, "are found in the river Yla." In January 1622, a commission was issued by King James to search for pearls in Scotland, but there is no mention of the Yla. Mr Patrick Maitland of Auchincrieff was appointed to search in the Ythan and other streams in Aberdeenshire.—Melros Papers, vol. ii. p. 446.

accompt of the marriages of the Familie these fifteen generations, viz. 1st, Stewart of Rosyth, in Fyffe; 2d, Maull of Panmure; 3d, Ogilvy of Lentrathene, predecessor to the Lords of Ogilvy; 4th, Gray, of the Lord Gray; 5th, Drummond of Stobhall, now Perth; 6th, Keith, Lord Marishall; 7th, Lyon, Lord Glames; 8th, Cunninghame of Barnes; 9th, Stewart of Innermeath; 10th, Olyphant, of the Lord Olyphant; 11th, Scrimgeor of Dudope; 12th, Beatoun of Westhall; 13th, Peirsone of Lochlands; 14th, Carnegy of Newgait; 15th, Maull, cousine-germane to the deceist Patrick Earl of Panmure. All these are daughters of the above written families. The familie is very ancient and very great, having above fourteen score chalders of victuall, which was a great estate in those days.

My grandfather told me he saw a letter[1] from Sir William Wallace, Governour of Scotland, directed to his trustie and assured friend, the Laird of Ouchterlony of that Ilk, requiring him in all haste to repair to him, with his friends and servants, notwithstanding his pass was not out; which pass did bear allowing him to travaill from Cunninghamehead to Ouchtermergitie, now Balmadies, which was his place of residence, about his lawfull affairs, and to repair to him againe in a short tyme therein prescrived—"for its lyke," sayes he, "we will have use for you and other honest men in the countrey within a short tyme;"—and accordingly the Barns of Air were burnt shortly thereafter. The letter and pass are both together. Probablie the Laird of Drum, who purchased the estate, hath these and other antiquities of our Familie; but they cannot be had for the present.

The armes of our Familie are thus blazoned—bears Azure, a lyon rampant, Argent, within a border Gules entoure, of eight buckles Or above the shield, ane helmet mantled Gules and doubled Argent; and on the torse for a crest, ane eagle displayed Azure, with ane escallope in hir beek Argent, and the motto above the crest—DEUS MIHI ADJUTOR.

[1] As the worthy Laird of Guynd does not personally vouch for the existence of this letter, we fear that his grandfather had either been hoaxed, or was hoaxing his descendant. This letter would certainly have been a great curiosity.

In addition to the Works on the County of Forfar enumerated in the introductory observations, a very elegant octavo volume was published at Dundee in 1843, entitled—"FORFARSHIRE ILLUSTRATED, being Views of the Gentlemen's Seats, Antiquities, and Scenery of the County."

DOCUMENTS

RELATIVE TO THE

PALACE OF LINLITHGOW,

1540-1648.

THE following Papers relate exclusively to the Palace of Linlithgow. They have been collected from various sources, and throw some little light on its history. In this royal edifice James V. and his unfortunate daughter were born, and it was there that James IV. received what was accounted a supernatural warning against his fatal expedition into England.

Linlithgow was long a favourite residence of the Scotish Monarchs. David I. is said to have had a Castle and a Grange there. In 1301 Edward I., who built a peel, or place of strength, the preceding year, took up his winter quarters at Linlithgow. David II., uniting economy with pleasure, kept up the Castle by leasing, to one John Cairns, in liferent, the park, containing fourteen acres, on condition that he attended to the repairs of the edifice. Robert II. and Robert III. occasionally resided there. On the death of James II., the Queen Dowager, Mary of Gueldres, to whom the estate of Linlithgow belonged as a dowry, issued orders, by a warrant from the Privy Seal, that the apartments in the Castle formerly occupied by David Bruce should be prepared for the reception of Henry VI., who had been compelled to flee from England in consequence of the success of his opponent, Edward IV.

It would appear from Fordun that the "villa regia de Linlithgow" was in 1411 accidentally burnt; and the same authority informs us that "eodem anno 1424 combusta est villa regia de Linlithgu, navis etiam Ecclesiæ ejusdem, et *Palatium* regis, de nocte." The Palatium here mentioned was probably distinct from the Castle. Dr Jamieson says, that "on the site of the Castle the Palace was built. A considerable part of it was erected according to the plan and under the eye of Cochrane the architect, who, chiefly from his superior tact in this line, had acquired that ascendancy with his Sovereign which proved fatal to himself." Now, James III., the patron of Cochran, was born in 1453, and was proclaimed King, 11th August 1460. The Palace was burned in 1424. When it was rebuilt is uncertain, but there must have been some sufficient residence existing in 1460, otherwise the warrant by Mary of Gueldres for the reception of Henry of Lancaster was a mere mockery. The Palace referred to by Fordun was perhaps within the

walls of the Castle, and although it may have been consumed by accident, it does not follow that the fortalice or castle was burnt. If such had been the case, the historian would hardly have failed to mention it, seeing that he is so minute in enumerating the other places destroyed.

Mary of Lorraine, the Queen of James V., is said to have observed upon her first visit that she had never seen "a more princely Palace." Her partiality for it may be inferred from the fact of her having selected it as a suitable residence for her accouchement. "Part of the Palace was repaired," says Dr Jamieson,[1] "for the reception of Charles I. when he made his visit to Scotland, although his design for visiting this place was not fulfilled. It continued habitable until the year 1745, when having been occupied by a portion of the royal army, it was accidentally burnt through the carelessness of the soldiers." This was merely a renewal of its former fate. For not only was Linlithgow consumed by fire during the minority of James I., in 1411, but "the town, the nave of the church, and the Royal Palace, were all burnt by night" in the year 1424.

"In this Palace," as already mentioned, "James V. was born, on the 11th of April 1513; also his daughter Mary, December 8, 1542, a few days before the death of her father at Falkland; and the room in which the latter first saw the light still exists. From its dimensions it could not be very comfortable in the winter season for a valetudinarian. It measures fifty-one feet by twenty-one, and sixteen in height. It had three doors communicating with it, and does not seem to have been provided with grates, the fires having apparently been kindled on the hearths. On each side of this apartment is pointed out an audience room or hall, most probably what would now be called an anti-chamber. The carving in these rooms must have been very fine, but it is now much defaced. The building extends 174 feet from east to west, 136 from north to south, and is 96 feet in height at the north-east end. The court within the Palace is 90 feet by 87. The Parliament-House erected by James V. measures 100 feet by 30½; its height to the ceiling being nearly 33. The chapel is 57 feet in length, and 30 in breadth. The wall of the palace is about 10 feet thick."

James VI. has been unjustly accused in the Statistical Account[2] of a piece of Vandalism. It is said that, in 1619, he ordered the north side of the square "to be pulled down and rebuilt after his taste, i. e. more like a burgher than a King. For, by lowering the ceilings, and lessening the dimensions of the rooms, he obtained a greater number of them, and an additional storey to the building."

Now, what is the fact? James VI. did not pull down the *north* side of the Palace. On the contrary, there is positive evidence existing to establish, that in 1609 the "*north* quarter" of the Palace fell in between "three and four in the morning" of the "sext of September": and though the walls were standing, yet that there was great apprehension they would also fall, and break the "*Fountain*." Nor was this all. This portion of the Palace had been for two years preceding in a perilous state; but neither Bellenden of Broughton, nor his Majesty's officers, who had been directed to make proper repairs, paid any attention to its dilapidated condition. This is fully established by the letter from the Noble Lord

[1] Royal Palaces, 1830. 4to. p. 42.

[2] Stat. Account, vol. xiv. p. 50.

to the King, No. VIII. of this Collection. Thus, the King is accused by the reverend author of the article in question of pulling down in 1619 the north part of the Palace, although it had fallen to the ground exactly ten years before. If any censure attaches to the way in which it was rebuilt, it must be laid on the Heritable Keeper, who should have seen the thing properly done, and not on his Sovereign.

In Chamberlayne's "Magnæ Britanniæ Notitia," there is the following description of Linlithgow Palace in 1728. Speaking of the town—"Its greatest ornament is the King's house, which stands upon a rising ground that runs almost into the middle of the lough, and looks like an amphitheatre, with something like terrace-walks, and a descent from them; but upon the top, where the Castle stands, it is a plain. The court has apartments like towers upon the four corners, and in the midst of it is a stately Fountain, adorned with several curious statues, the water whereof riscs to a good height."[1]

From the Papers that follow, it will be seen that in 1540 William Denzelstoun, or Denniston—for the name is the same—was appointed Keeper of the Palace, and in 1543 he was superseded by Robert Hamilton, styled in his commission *in* and not *of* Briggs. The next Keeper of whom traces have been found is Andrew Ferrier, who obtained that office by grant, dated at Linlithgow, 28th January 1566-7. Notwithstanding this gift, Sir Andrew Melville of Murdocairney, afterwards the first Lord Melville, obtained a crown-charter of the heritable office of Keeper of the Palace and adjacent domain on the 15th February following. Perhaps Ferrier may have still acted under him as Deputy.

Sir Andrew, having got into the black books of the dominant party by his loyalty to Queen Mary, was forfeited; and Captain Andrew Lamby, or Lammie, on the 3d of September 1571, was named Keeper of Linlithgow Palace, with "the peell,[2] park, and loch thereof." How long he held it is uncertain, but on the 22d November 1587 the Lord Justice-Clerk Bellenden obtained two charters, one of the office of Keeper of the Palace, and the other of the peel, park, and loch thereof. The right remained in the Bellenden Family for about forty years. It was acquired from them by Alexander second Earl of Linlithgow, and remained with his descendants till the attainder, in 1715, of James fifth Earl of Linlithgow and fourth Earl of Callander (both of those titles uniting in his person), when his estates—the rental of which were given up, in the Report of the Commissioners to Parliament,[3] at L.1296, 4s. 4½d—were forfeited to the Crown.

A few weeks previous to his open engagement in the Enterprize of 1715, the Earl was amusing himself at Cumbernauld, the seat of the Earl of Wigton, whence he addressed the following epistle to his friend, Alexander Murray—afterwards Sir Alexander Murray of Stanhope, Bart.:[4]—

"My Dear Sandie—I had your's just now, and give you a great many thanks for the dog; he's very pretty. I have been here these two dayes, and, I believe, as soon as I leave this I shall be in town. Wigtoune

[1] 29th edition, London, 1728, p. 313.

[2] Peell or Pele, a place of strength or fortification.

[3] London, 1709, Folio.

[4] Sir Alexander Murray was a keen speculator, and involved himself and his relatives in great pecuniary difficulties. He separated from his lady, whose interesting memoirs of her father and mother were published by Thomas Thomson, Esq. Edin. 1822, 8vo.

and Jamie Keith[1] give you their service. If you see March,[2] pray give him my humble service, and tell him that the whelps I had are good for nothing with the frost, but that I have a bitch has very fine puppies just now, and shall keep one for him.—I am with all sincerity, dear Murray, your assured friend and servant,

"LINLITHGOW."[3]

"*Cummernauld, April* 3, 1715.

The morrow is Wigtoun's birth-day."

Not long after this letter, this unfortunate Nobleman was an exile and a beggar. John, the sixth Earl of Wigton, was more fortunate than his guest, for by great good luck he was apprehended and committed to Edinburgh Castle on suspicion of treason, by which means he was saved taking an active part in the enterprize, and thus escaped attainder, and the confiscation of his estates. Sir Alexander was involved also in the enterprize, but got off by the interest of the Viscountess Fauconberg.

1 Afterwards the celebrated Field-Marshal Keith, one of the few individuals to whom Frederick the Great was sincerely attached.

2 William second Earl of March, who was served heir to his father William, the first Earl, in the Lordship of Neidpath, 17th April 1707. He was the father of William Duke of Queensberry, upon whose death the heirs-male of the body of the first Duke terminated. The Dukedom devolved on the Duke of Buccleuch the heir-female, and the Marquisate on Sir Charles Douglas, Bart., the collateral heir-male.

3 "Private Letters, now first printed from the Original MSS. Edinburgh 1829," p. 71. Of this very curious collection only Forty Copies were privately printed.

DOCUMENTS

RELATIVE TO THE

PALACE OF LINLITHGOW.

I.—COMMISSION TO WILLIAME DENZELSTOUN TO BE KEEPER OF THE PALACE OF LINLITHGOW, 19TH NOVEMBER 1540.

ANE lettre maid to William Denzelstoun, makand him kepar of the Palice of Linlithgw for all the dais of his life, and gevand him thairfoir zerlie the soome of fyfty pounds usuale money, to be pait to him be the Controller, now present and being for the time, at twa termes in the zer Whitsonday and Mertymes be evin portiones. At Edinburgh, the xix. day of November, the zer of God, J^{m} v^{c} xl zeris.[1]

II.—COMMISSION TO ROBERT HAMILTOUN IN BRIGGIS, DATED AT EDINBURGH, 22D AUGUST 1543.

ANE lettre maid to Robert Hammyltoun in Briggis,[2] makand him Capitane and Kepar of the Place and Palace of Linlithgow, park, loch, eil-ark,[3] petis, caird petis, and gardings thairof, for all the dais of his lyve; and gevand to him zeirlie in his fee the soome of fyfty pundis, &c.[4]

[1] Registrum Secreti Sigilli. Lib. xiv. fol. 26.

[2] This appears to be the same person who obtained a grant of the Coronership of Galloway and Dumfries, circa 1550. A grant was made to him by Queen Mary of the lands of Easter Collessie, called Hallhill; whom failing, to his natural son James and his heirs; whom failing, William, also his natural son and his heirs; whom failing, to Andrew Hamilton of Cochnock, his brother-german. This charter is dated in 1551.

[3] The eels from Linlithgow Loch are still in great request by those persons who are fond of that delicious fish.

[4] Reg. Sec. Sig. Lib. xvii. fol. 89.

III.—COMMISSION TO ANDRO FERRIER TO BE KEEPER OF THE PALICE, ETC. OF LINLITHGOW, DATED AT LINLITHGOW, 28TH JANUARY 1566-7.

ANE lettre maid to Andro Ferrier for his gude, treu, and thankfull seruice maid, and to be maid to thair Majesties, makand him keiper of thair Graces' Palice of Linlithgw, with the parkis, peitis, loch, medois, gardene, yaird, orcheartis of the samin, and thair pertinentis; straitlie commandand and chargeand him to occupy, labour, and manure certain fauldis of brume within the saidis parkis, for holding and pasturing of our Soveranis meiris thairintill, and to plant and sett treis neidfull within the saidis peillis, for decoiring thairof, pastyme and pleasour to be had to our Soveranis thair throw in tyme cuming, during all the tyme and space of nyntene yeiris, with the proffittis thairof. Ordaining, commanding, and chargeing na utheris to be keiparis thairof in the menetyme nochtwithstanding abone the proclamation that was maid of befoir, and cryit opinlie at the mercat croce of the burgh of Linlithgw, discharging everie man within vj mylis round about the samyn burgh to schut with their culveringis, and hunt with thair dogs. Our Soueranis, be thir present lettres, straitlie commandis and chairges the Schirref of Linlithgw and his Deputis, Provestis and Baillieis of the said burgh of Linlithgw, present and to cum, for their pairtis, at all tymes neidfull, to serche, seik, tak, apprehend, and put all sic personis schuttaris with culverings, and huntaris, and hald thame in firmance, and keep thame thairintill, quhill thai be fred and deliverit be our Soveraneis command thairfra. Ordinand the said Andro Ferrier, keipar of the said palice and loch, be ressoun of his keiping and intromission thairwith, to take cognitioun of all thame that schuitis in manner foresaid, within the said loch, or huntis in the saidis parkis, gif thai be induellaris of the said burgh of Linlithgw or not, and as beis fundin be him or be utheris, that he schaw the samin to the said Schairref, and his Deputis, Proveistis and Baillieis foirsaidis, or any of thame havand jurisdictioun of sic schuttaris, and that they incontinent thairefter pass into the saidis schuttaris houses, and utheris places needfull, quhair yair culveringis beis, tak the samin fra thame, and deliver thame within our said palice to the

keiper thairof, as he and the said Schirriff, Provestis, and Ballieis forsaidis will answer to our Soueranis thairupon, and under the pain of inobedience, &c. And that the said lettre be direct to messingeris, speciallie to Richard Leverance, messinger and officiar of armes, chairgeing thame coniunctlie and severalie to pass to the said mercat croce, and thair opinlie cry and mak publication of the premisses to all and sundrie our Soueranis leigis, to cause thame, and every ane of them, abstane and forbear to do in the contrar of any of the articlis foirsaidis contenit in the said lettre, or to put any horses, meiris, cattel, scheip, or utheris guidis within the saidis parkis or peillis, under the pain of escheiting thairof, gif ony beis funden thairintill outher be nycht or day be the said keipar thairof, and with power to him to sell and dispoun thairupon to his use at his fre will, be the tenour of this present, &c.[1]

IV.—CARTA ROBERTI MAILVILL DE MURDOCARNEY CUSTODIÆ PALATII DE LINLITHGOW, ETC.—15to FEBRUARII 1566-7.

Maria, Dei gratia, Regina Scotorum, omnibus probis hominibus totius terre sue, Clericis et Laicis, Salutem: Sciatis Nos dedisse, concessisse, et hac presenti carta, confirmasse dilecto nostro Roberto Mailvill de Murdocarny,[2] suis heredibus et assignatis, hereditarie, custodiam Palatii nostri de Linlithgow, cum parcis lie peilis, lacu, pratis, hortulo,

[1] Reg. Sec. Sig. Lib. xxxv. fol. 114.

[2] Sir Robert Melville was the steady friend of Queen Mary. It was by his advice she executed the resignation of her crown—an act clearly void, as she was concussed—as lawyers would say, *vi et metu*. After her escape from Lochleven he joined her, and openly proclaimed the restraint and intimidation which had caused her demission. He subsequently held the Castle of Edinburgh for her, and nearly lost his life upon its surrender; indeed, it was saved only by the interference of the English commander. He was afterwards restored to favour, received various appointments, and was sent with the Master of Gray to solicit the life of Mary, and so far as he was concerned he did his duty nobly. The Master's suggestion, however, that "*mortui non mordent*," carried the day. After filling various high offices, he was created a Scotish Peer, by the title of Lord Melville of Monimail, on the 30th April 1616, which he enjoyed until 1621, when he died at the advanced age of ninety-four. He was brother of Sir James Melville of Halhill, whose "Memoirs" are deservedly esteemed for their candour and interest.

horto, pomariis eiusdem, et omnibus suis pertinentibus jacentibus prope burgum nostrum de Linlithgow et infra vicecomitatum nostrum eiusdem; ac rescindimus et annullamus omnes alias nostras literas, donationes, et assedationes quasconque, de eisdem, cuicunque alie persone vel personis aliquibus, temporibus preteritis, factas: Decernentes et Declarantes, easdem nullas et invalidas in perpetuum: Tenendum et habendum dictum officium, et custodiam Palatii de Linlithgow, cum parcis, lie peilis, lacu, pratis, hortulo, horto, ac pomariis eiusdem, et omnibus suis pertinentibus dicto Roberto, heredibus suis et assignatis, de nobis et successoribus nostris in feodo et hereditate in perpetuum, cum potestate ei et eis, occupandi laborandi, et manurandi septa genistica, lie Brumefauldis, et alios locos commodos segitibus intra dictas parcas, et reliquum earundem inaratum servandi et disponendi incrementa ipsarum graminibus et ferro ad sue voluntatis libitum; et permittendi et tolerandi neminem bombardis sagittandi, canibus venandi, intra lacum, et parcas antedictas, citra ipsorum licentiam et tolerentiam sub penis in proclamationibus de super confectis, contentis; necnon levandi et percipiendi omne genus proficui et commoditatis dictarum parcarum lie peilis, lacus, pratorum, hortuli, horti, et pomariorum earundem, cum suis pertinentibus, ad suum ipsorum proficuum desuper que disponendi prout ipsis videbitur expediens; cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis commoditatibus, libertatibus, proficuis, asiamentis, ac justis pertinentiis suis quibuscunque tam non nominatis, quam nominantis, tam sub terra, quam supra terram, ad predictum officium et custodiam, cum pertinentibus antedictis, spectantibus seu juste spectare valentibus, quomodolibet infuturum, libere, quiete, plenarie, integre, honorifice, bene, et in pace, absque revocatione aut contradictione quacunque: Reddendo inde annuatim dictus Robertus et heredes sui, nobis et successoribus nostris, unum denarium usualis monete regni Scotie annuiatim, intra dictum nostrum Palacium ad Festum et terminum Penthecostes, nomine albe firme, si petatur tantum, ac plantando arbores intra dictas lie peillis, ad decorem earundem, et reparando dictos hortos, ac reliquum dictarum parcarum inaratum servando ad voluptatem nostram et

successorum nostrorum in eisdem habentium. In cujus rei testimonium, &c.[1]

V.—GIFT TO CAPTAIN ANDRO LAMBY OF THE OFFICE OF KEEPER OF LINLITHGOW PALACE, 13TH SEPTEMBER 1571.

ANE lettre maid be our Soverane Lord, be avis and concent of his rycht trest cousing John Erll of Mar, Lord Erskin, Regent to his Hienes his realme and leigis, makand constitutand and ordenand Captain Andro Lamby,[2] Capitane and Keeper of his hienes Palice of Linlithgow, with the peill, parke, and loch thereof, and givand him the office of the same, with all proffitis, fischis, commoditeis, feis and deuties pertening thairto, for all the dayis of his lyfe, now being at oure Soverane Lordis fre dispositioun, throw the process and dome of forfalter ordourlie led againis Robert Melvile, sumtyme of Cairny, pretendit kepare or takisman of the said parke, palaice, peill, and loch, for certain crymes of tressoun and lesemaistie committit be him, off the quhilk he was convict in Parliament, as in the process of foirfalture led aganis him at mair lenth is contenit, with power

[1] Reg. Mag. Sig. Lib. 32. No. 373.

[2] The only worthy of this name whose fame has reached posterity was the suitor of the hapless "Tifties' Annie," who, at the time of the love passages between them—whatever rank he afterwards attained—was, alas! only Trumpeter of Fyvie. The young lady had five thousand merks—a tolerable sum even for the Laird of Fyvie, which, with herself, she proposed to bestow on the Trumpeter, but her cruel friends would not hear of such a thing, and

> "Her brother beat her cruellie,
> Till his straiks they were na canny;
> He brak her back, and he beat her sides,
> For the sake o' Andrew Lammie."

She dies, as was to be expected, and Andrew goes to the house top, and "blows his horn both loud and shrill," to the astonishment of the lieges in and about Fyvie. See Jamieson's Popular Ballads, vol. i. p. 129. Edin. 1806. 8vo.

Seriously speaking, the ballad is a very beautiful one, and we only wish we could establish that Andrew became Captain and Keeper of Linlithgow Palace; but the concluding verses negative this supposition.

> "Love pines away, love dwines away,
> Love, love, decays the body;
> For the love of thee, now I maun dee,
> I come, my bonnie Annie."

to the said Capitane Andro Lamby during all the dayes of his lyffe, be himself and his deputis in his name, quhilks our Soverane Lord givis him power to mak, and for quhome he salle be halden to answer to keep the said palice, peill, parke, and loch, to the use and behalf of oure Souerane Lord; and for keiping thairof, to intromet and take up the fiches, gress, hay, and utheris profittis and deweties of the said peill, park, and loch, the same to labour, use, and occupie with his awin guidis, or set the same to tenentes as he sall think maist expedient during his lyfetyme, and with all and sundrie utheris commodities, fredomes, &c., als frillie, &c., as the said Robert Meluill, or ony utheris his predecessoris, had, and browkit the said office in tyme bygane; but[1] ony revocatioun, &c., with command in the samin to all and sindrie our Soveranis Lordis and subdittis, to reddellie answer, intend, and obey, to the said Capitane Andro, in his said office of capitanerye and keping of the said palice, peill, park, and loch, and on na vyss to mak to him or his deputis stop, trouble, or impediment thairin, under all hiest pane, and charge, &c. At Leith, the xiij day of September, the ȝeir of God j^{m} v^{c} lxxj ȝeris, &c.

Per Signaturam.[2]

VI.—CARTA LUDOVICI BELLENDEN DE AUCHNOUL, MILITIS, CUSTODIÆ PALATII DE LINLITHGOW, APUD HALYRUDHOUS, VICESIMO SECUNDO DIE MENSIS NOVEMBRIS 1587.

Jacobus, Dei gratia, Rex Scotorum, omnibus probis hominibus totius terre seu Clericis et Laicis, Salutem: Sciatis nos nunc post nostram legitimam et perfectam ætatem viginti unius annorum completam in Parliamento nostro declaratam, et generalem nostram revocationam in eodem factam, dedisse, concessisse, et disposuisse, et hac presenti carta nostra, confirmasse, predilecto nostro conciliario, Domino Ludivico Bellenden de Auchnoull,[3] Militi, nostre Justiciarie

[1] Without.

[2] Reg. Sec. Sig. Lib. xl. fol. 4. This gift was ratified at Edinburgh 1st day of December 1572. Reg. Sec. Sig. Lib. xli. fol. 39. And again at the Castle of Stirling 14th Oct. 1578. Lib. Sec. Sig. Lib. xlv. fol. 82.

[3] This person was the eldest son of Sir John Bellenden of Auchnoul, Lord Justice-Clerk, to whose office he succeeded in 1578. His judicial situation offered no impediment to his mixing in political intrigue,

Clerico, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus, legitimis et propinquioribus heredibus masculis dicti Domini Ludovici quibuscunque, arma et cognomen de Bellenden gerentibus, Totum et Integrum officium custodie et conservationis Palatii nostri de Linlithgow, jacentis prope burgum nostrum eiusdem, infra vicecomitatum nostrum de Linlithgow, cum omnibus et singulis feodis, casualitatibus, privilegiis, et commoditatibus quibuscunque eidem spectantibus et pertinentibus : Quodquidem officium dilecto nostro Consiliario Domino Roberto Melvill de Murdocairney, Militi, nostro thesaurario, deputato, perprius hereditarie pertinuit, sibique heredibus et assignatis suis hereditarie ex antiquo per quondam charissimam nostram matrem, post suam legitimam et perfectam etatem concessum et dispositum fuit, et per eundem Dominum Robertum, cum expresso concensu et assensu Roberti Melvill, sui filii legitimi, personaliter, apud [1]——in manibus nostris, tanquam in manibus sui immediate superioris ejusdem, resignatum, renunciatum, pureque et simpliciter, per fustim et baculum extradonatum fuerat, cum omnibus jure, titulo, interesse, jurisclameo, proprietate, et possessione, tam petitorio quam possessario, que seu quas, dictus Dominus Robertus, aut eius filius antedictus, in eodem habent, habuerunt seu quovismodo in futurum habere vel clamare poterint, in specialem favorem dicti Domini Ludovici Bellenden de Achnoull, Militis, ac heredum suorum masculorum prescriptorum, pro hoc nostro hereditario infeofamento ipsis nostro sub Magno Sigillo, debita et competenti

and he took a prominent part in the Raid of Ruthven, 23d August 1582, but had the good fortune to escape punishment ; and on the 1st of July 1584 he obtained the place of Sir Richard Maitland of Lethington on the Bench. He accompanied James VI. in his wife-hunting expedition to Denmark, and in the following spring was sent Ambassador to Queen Elizabeth. He died in 1591, according to Scotstarvet, of fright ; for " by curiosity he dealt with a warlock called Richard Grahame to raise the Devil, who having raised him in his own yard in the Cannongate, he was thereby so terrified that he took sickness, and thereof died," p. 131. Considering that the Scottish Judges of that time usually qualified themselves for holding high appointments in Pandemonium, the anxiety of Sir Lewis to get a peep at his future patron was natural enough. The result, however, shews that is not safe, even for so great a person as a Justice-Clerk, on all occasions to give way to every folly that may enter his head. The grandson of Sir Lewis was raised to the Peerage by Charles II., 10th June 1661.

[1] A blank here.

forma, dando et conficiendo. Tenendum et Habendum Totum et integrum prefatum officium custodie et conservationis dicti nostri Palatii de Linlithgow, cum omnibus et singulis feodis, divoriis, casualitatibus, privilegiis, et eorum commoditatibus quibuscunque eidem officio spectantibus et pertinentibus, memorato Domino Ludovico, et heredibus suis masculis antedictis, de nobis et successoribus nostris in feodo, hereditate et libera alba firma in perpetuum, cum libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, et assiamentis, ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, procul et prope ad predictum officium spectantibus, seu juste spectare valentibus, quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, necnon adeo libere, in omnibus, et per omnia, sicuti dictus Dominus Robertus Melvill, aut aliqui alii sui predecessores, predictum officium de nobis et predecessoribus nostris ante dictam resignationem tenuerunt, seu possiderunt, absque aliqua revocatione, contradictione, impedimento, aut obstaculo quocunque: Reddendo inde annuatim prefatus Dominus Ludovicus Bellenden, et heredes sui masculi prescripti, nobis et successoribus nostris unum denarium usualis monete regni nostri, in Festo Penthecostes, infra dictum nostrum Palacium nomine albe firme si petatur tantum. In cujus rei testimonium, &c.[1]

VII.—CARTA DOMINI LUDOVICI BELLENDEN DE AUCHNOULE, &c. VICESIMO SECUNDO DIE MENSIS NOVEMBRIS 1587.[2]

Jacobus, Dei gratia, Rex Scotorum, Omnibus probis hominibus totius terre seu Clericis et Laicis, Salutem: Sciatis, Quia intelligentes quod predilectus noster Consiliarius, Dominus Robertus Melvill de Murdocairney, Miles, noster thesaurarius deputatus, habebat jus hereditarium sibi suis heredibus et assignatis, ex antiquo per quondam nostram charissimam matrem, post suam legitimam et perfectam etatem confectam Totarum et Integrarum nostrarum parcarum, nemorum, Palacii et lacus, vulgo vocat. lie parkis, pellis, and loch Palacii nostri de Linlithgow, cum hortis, pomariis, et pratis nostris de Linlithgow, jacentibus prope dictum Palacium et burgum nostrum de Linlithgow. et infra vicecomitatum

[1] Reg. Mag. Sig. Lib. 37, f. 91.
[2] Registrum Mag. Sigilli, Lib. xxxvii. No 90.

nostrum ejusdem, tenendarum de dicta charissima nostra Matre, et suis successoribus Scotie regibus, in libera alba firma: Et quod dilectus noster Consiliarius, Dominus Ludovicus Bellenden de Auchnoule, Miles, nostre Justiciare Clericus, cum dicto Domino Roberto, ac cum Domino Roberto Melville, suo filio legitimo, convenit et accordavit, ut easdem parcas, nemora, lacum, prata, hortos, et pomaria nostra de Linlithgow, in manibus nostris debite resignarent pro nostro novo infeofamento dicto Domino Ludovico, et heredibus suis masculis subscriptis, forma subsequenti desuper, conficiendo, Tenendas de nobis in perpetua feudifirma pro annuali solutione infra scripta, virtute cujusdam infeofamenti dictus Dominus Ludovicus, prefatas nostras parcas, nemora, lacum, vulgo vocatas lie parkis, peillis, and loche de Linlithgow, cum pratis, pomariis, hortis, et suis pertinentiis sibi strictiori conditione accepit et ad majorem nostram utilitatem et annualem commoditatem, quia nullas annuales divorias, nobis prius persolverunt, sed in libera alba firma ut prefertur, tenebantur, Nos igitur nunc post nostram legitimam et perfectam etatem viginti unius annorum completam in Parliamento nostro declaratam, generalemque nostram revocationem et dissolutionem in eodem factam, cum avisamento et consensu familiaris nostri Servitoris et Consiliarii, Domini Joannis Seytoun de Barnis, Militis, nostrorum computorum rotulatoris, Dedimus, Concessimus, ac in feudifirmam perpetuam hereditarie Dimisimus, et Confirmavimus, necnon tenore presentis nostre carte damus, concedimus, et ad feudifirmam perpetuam hereditarie dimittimus et confirmamus, prefato Domino Ludovico Bellenden de Achnoule, Militi, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus legitimis et propinquioribus heredibus suis masculis quibuscunque, arma et cognomen de Bellenden gerentibus, Totas et Integras prefatas nostras parcas, nemora, pallea, vallos, et lacum, vulgo lie parkis, peillis, et loch, dicti Palatii nostri de Linlithgow, cum pratis, pascuis, hortis, et pomariis nostris de Linlithgow, ac cum partibus, pendiculis et suis pertinentiis quibuscunque, que nobis et dicto Domino Roberto Melvill de Murdocairny, militi, perprius hereditarie pertinuerunt, et per ipsum cum expresso consensu et assensu Roberti Melvill, sui filii legitimi, personaliter in manibus nostris sui immediati superioris earundem, pure et simpliciter, per

fustim et baculum, resignate fuerunt, cum omnibus jure, titulo, interesse, jurisclameo, proprietate, et possessione tam petitoria quam possessoria, que aut quas, dictus Dominus Robertus, aut filius ejus antedictus in eisdem habent, habuerunt seu quovismodo in futurum habere vel clamare poterunt apud . . . . omnino quiete clamavit imperpetuum, in favorem dicti Domini Ludovici, pro hoc nostro novo infeofamento feudifirme, nostro sub Magno Sigillo in debita et competenti forma prout usus est in similibus desuper dando et conficiendo. Preterea Nos, ex proprio motu, et certa scientia pro bono fideli et gratuito servitio nobis per dictum Dominum Ludovicum multipliciter impenso, tenore presentis carte nostre, de novo Damus, Concedimus, et in feudifirmam perpetuam hereditarie Dimittimus et Disponimus, memorato Domino Ludovico, et heredibus suis masculis prescriptis, Totas et Integras prefatas nostras parcas, nemora, pallea, valles, et lacum, vulgo vocatum lie parkis, peillis, and loch, dicti nostri Palatii de Linlithgow, cum pratis, pascuis, pomariis, et hortis nostris de Linlithgow, ac cum partibus, pendiculis et suis pertinentiis quibuscumque, jacentibus ut supra, unacum omnibus jure, titulo, interresse, jurisclameo, tam petitorio quam possessorio, que, seu quas, Nos, predecessores aut successores nostri, habuimus, habemus, aut quovismodo ad easdem vel aliquam earundem partem aut ad firmas, proficua et devorias earundem, de omnibus annis et terminis retroactis et in futurum habere seu clamare poterimus, ratione warde, non introitus, eschaete, forisfalture, recognitionis, purpresture, disclamationis, bastardie retornatuum et infeofamentorum reductionis, alienationis earundem aut majoris partis, seu ob quamcunque aliam causam seu occasionem preteritam, diem date presentium precedentem: Renunciando et quieteclamando easdem, pro nobis et successoribus nostris, dicto Domino Ludovico et heredibus suis masculis prescriptis imperpetuum cum pacto de non petendo et cum supplemento omnium defectuum tam non nominatorum quam nominatorum, quos, pro expressis in hac presenti carta nostra habere volumus: Tenendas et habendas omnes et singulas prefatas nostras parcas, nemora, valles, pallea, et lacum dicti nostri Pallacii de Linlithgow, vulgo vocatas lie parkis, peillis, and loch, cum pratis, pascuis, pomariis, et hortis nostris de Linlithgow, ac cum partibus, pendi-

culis et singulis suis pertinentiis memorato Domino Ludovico Bellenden, et heredibus suis masculis antedictis de nobis et successoribus nostris, in feudifirma et hereditate imperpetuum, per omnes rectas metas suas antiquas et divisas, prout jacent in longitudine et latitudine, in domibus, edificiis, vallis, boscis, planis, moris, maresiis, viis, semitis, aquis, stagnis, rivolis, pratis, pascuis et pasturis, molendinis, multuris, et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonibus, carbonariis, cunicullariis, columbis, columbariis, fabrilibus brasinis, brueriis et genestis, silvis, nemoribus et virgultis, lignis, tignis, lapicidiis, lapide et calce, cum curiis et earum exitibus, herezeldis, bluduitis et mulierum merchetis, cum communi pastura, libero introitu, et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas parcas, nemora, valles, pallea, et lacum antedictum, cum suis partibus, pendiculis, et pertinentiis spectantibus seu juste spectare valentibus quomodolibet infuturum, libere, quiete, plenarie, integre, honorifice, bene et in pace, absque revocatione, contradictione, impedimento aut obstaculo quocunque, necnon cum libera et expressa potestate et facultate, dicto Domino Ludovico, heredibus suis masculis prescriptis, arandi, occupandi, et ad frugem ducendi, prefatas nostras parcas, pallea, et valles, vulgo vocata lie parkis and peillis de Linlithgow, in omnibus earundem partibus, tamque prius occupabantur, quam in partibus illis vocatis lie brounefauldis, hedgeis, et aliis partibus earundem, que non prius arate et laborate fuerunt, at etiam cum plenaria potestate custodiendi et conservandi dictas nostras parcas vocatas lie parkis de Linlithgow, aut aliquam earundem partem pro ratis et pasturis, prout ipsis visum fuerit, et super omnibus earundem proficuis et commoditatibus annuatim ad eorum voluntatem disponendi: nec non cum potestate et libertate, in dicto nostro lacu, semper et annuatim temporibus convenientibus piscandi, et omnes alios qui in eodem lacu piscare presument impediendi, et super omnibus et singulis piscibus in dicto lacu capiendis, ad suos proprios usus prout sibi usum fuerit applicandi et disponendi: Reddendo inde annuatim dictus Dominus Ludovicus, et heredes sui masculi,

prescripti, nobis et successoribus nostris nostrorumque computorum rotulatoribus camerariis seu factoribus presentibus, et qui pro tempore fuerint, summam centum mercarum usualis monete regni nostri ad duos anni terminos consuetos, festa, viz. Pentecostes et Sancti Martini in hyeme, per equales portiones nomine feudifirme tantum. Quamquidem summam et annualem feudifirmam centum mercarum monete prescripte, Nos cum avisamento et consensu prescripto, specialiter assignavimus ac tenore presentis nostre assignamus, prefato Domino Ludovico, heredibus suis et assignatis predictis, et hoc, pro reparatione et sustentatione Palacii nostri de Linlithgow, cui nunc officium hereditarie custodie et conservationis eiusdem pertinet. Et precipiendo igitur dicto Domino Ludovico Bellenden, heredibusque suis prescriptis, quod ipsi prefatam annualem feudifirmam super reparatione et sustentatione Palacii nostri de Linlithgow annuatim juste impendent et applicent, proviso tamen quod computum et ratiocinium annuatim Dominis nostri scaccarii de reliquo dicte annualis feudifirme debite reddant, si quod extiterit et remanebit extra reparationem et sustentationem dicti Palacii nostri de Linlithgow : In cujus rei testimonium huic presenti carte nostre, Magnum Sigillum nostrum apponi precepimus, testibus predilectis nostris consanguineis et consiliariis, Joanne Domino Hamiltoun ac Commendatorio Monasterii nostri de Abirbrothok; Archibaldo Angusie Comite, Domino Douglas Dalkeith et Abernethie ; Domino Joanne Maitland de Thirlstane, Milite, nostro Cancellario; Reverendissimo ac venerabile in Christo patribus, Patricio,[1] Sancti

[1] Patriek Adamson, who it was asserted gave in a recantation, in whieh he condemned Episcopaey. This doeument was printed in 1598 without place or printer's name. The reeantation, however, must have been made before 1591, as he died that year. It appears that the first prodnetion was not written by himself, but was dictated by him to one "Maister Samuel Cuninghame," and subseribed by himself in presenee of eertain witnesses from "the Synodal Assemblie," ealled "*becaus* of *my inhabilitie of bodie to repair towards them.*" Amongst them were Monipennie, younger of Pitmillie, David Ferguson, minister of Dunfermline, William Murray, minister at Dysart, and some others. This was done on the 8th April 1591. He must have recovered very considerably from his "*inhabilitie,*" as upon the 10th of June following he subseribed a second paper, entitled a Refutation of the "Buke falslie called the King's Declaration." This was also merely subseribed by Adamson before witnesses, the last of whom is "M. Andro Huntar, scribe of the Provineial Assemblie." How far these papers may be considered genuine is questionable, and why doeu-

Andree Archiepiscopo; Waltero,[1] Commendatario Monasterii nostri de Blantyre, nostri Secreti Sigilli Custode; Dilectis nostris familiaribus et consiliariis, Alexandro Hay[2] de Eister Kennet, nostrorum Rotulorum Registro; ac Consilii Clerico Lodovico Bellenden de Auchnoule, Milite, nostre Justiciarie Clerico, et Magistro Roberto Scott, nostre Cancellarie Directore. Apud Halyrudhous vigesimo secundo die mensis Novembris, anno Domini milesimo quingentesimo octagesimo septimo, et regni nostri anno vicesimo primo.

VII.—EARL OF LINLITHGOW TO JAMES VI. CONCERNING THE FALLING IN OF PART OF LINLITHGOW PALACE, 6TH SEPTEMBER 1607.

Pleas 3our most sacred majeste—This sext of September, betuixt thre and four in the morning, the north quarter of your Majesties Palice of Linlythgw is fallin, rufe and all, within the wallis, to the ground; but the wallis ar standing yit, bot lukis euerie moment when the inner wall sall fall, and brek your Majestie's fontan. I had bene to blame if I had nocht maid your Maiestie forsein tua zeiris sence with the estait of it, bot saw na furtherance in thes your Maiestie's offisers quhomto your Maiestie gaue directioune at that tyme for repairation of zour Maiestie's said Palice. Heirfore it will pleas your Majestie tak sik ordour thairanent as your Hines thinks gude; and seing the taxatioune is granted for repairing your Maiestie's housis according to your Hines directioune, I sall endeuor myselfe to sie your Maiestie's wille performit thairanent. So praying God to

ments so important should have been kept back for seven years is remarkable, seeing that it was as easy privately to print and circulate them in 1591, as it was in 1598. At any rate, supposing them genuine, what faith can be attached to the speculations of an old man confessedly labouring under bodily infirmity, and whose strength of mind must necessarily have been much impaired by disease?

[1] Walter, a second son of Sir John Stewart of Minto. He was created Lord Blantyre, 10th July 1606.

[2] Hay was admitted a Lord of Session, 20th October 1579, and in the same year got the Clerk-Registership on the death of Macgill of Rankeillour. He died on the 19th September 1594.

grant your Maiestie many happy and properous day, and long to ring ouer vs,

3our Maiestie's humble subiect and seruant,

LINLITHGOW.[1]

From your M. Palice of Linlithgow,
the 6th of September 1607.

VIII.—ANE INVENTAR OF THE WHOLL GUIDIS AND GEIR, AND WTHER INSPRIGHT PLENISHING, WITHIN THE TWO NORTH EIST CHALMERIS, IN THE THIRD TRANSE OF THE NEW WORK OF THE PALACE OF LINLITHGOW, NOW INHABITAT BE THE EARLE OF LINLITHGOW, TAKEN VP WPON THE 25 NOVEMBER 1648, BELONGING TO THE EARL OF CALLENDER.[2]

IN the first, There is within the eistmost of the saidis chalmeris ane standing bed furnished, with ane fedder bed, ane bowster, two coads with coadwairis,[3] ane pair of lining sheits, two pair of blanketts, and ane covering, ane stand of courtingis, with two piece of pand.[4]

Item, Ane canabie bed furnished, with ane fedder bed and bowster, ane pair of sheitts, ane pair of blanketts, and ane yellow mate. *Item*, two wrought chairis and ane stwill, ane buird, ane buird cloath, and ane forme; ane ffyne piece of hangingis, with ane brace peice, and ane red hinging befoir the window; and ane chalmer pott, and ane dry seatt.

Item, There is in uther of the said chalmers ane stand bed furnished, with ane fedder bed and bowster, two coads, two pair of blanketts, quhereof ane walkeit and ane uther plaid, with ane singill fustiane blanket, ane singill grein covering,

[1] From the original amongst the Balfour MSS. in the Library of the Faculty of Advocates. It was for the first time printed by the Editor in his Collection of Papers illustrative of Scottish History, Biography, and Antiquities, called "Analecta Scotica," vol. i. p. 400. Edin. 1834, 8vo.

[2] The Inventory of "Guidis and Geir" that ornamented the apartments occupied by the Earl of Linlithgow, certainly does not present a very magnificent display of the household plenishing of a Scottish Nobleman during the seventeenth century. The owner was James first Earl of Callender, younger brother of Alexander second Earl of Linlithgow. He was created Lord Almond in 1633, and Earl of Callender in 1641. "In spright plenishing" means furniture within the house.

[3] Pillow and pillowslips.

[4] A narrow curtain fixed either to the roof, or to the lower part, of a bed.

ane pair of greine courteans and two peice of pand, sax peice of hingingis, and ane brace peice, ane chaire covered with grein, ane tabill, and ane tabill-cloath of grein, and ane old chalmer pott wanting ane hand.

Item, There is in the high foir chalmer four pieces of hingingis and ane brace peice, ane stand bed and three peice of red damase courteans, and thre peice of pand browdered; ane fedder bed, ane pair of small blanketts, and ane pair of walkeit blankitts, with ane red ruge, ane tabill, and ane red tabill cloath.

Item, Ane wand[1] bed, ane nappe bed, ane bowster, and ane pair blankitts, and ane red covering, with ane uther buird, and ane forme in the uther chalmer.

Item, There is in the mid foir chalmer sax peice of hingingis, ane stand bed, ane fedder bed, ane bowster, ane coad, and red rwge, two pair blankitts, the ane paire thick and the uther thin, ane pair sheitts, three peice of courteans, three peice of browdered pand, ane buird, ane forme, ane chalmer pott, ane dry stwill.

Item, There is, in the Lord Linlythgow his owne chalmer, quher he layis, sevane peice of hingingis, with ane brace peice, ane stand bed, ane fedder bed, ane bowster, two coads with coad wairis, with two pair of blankitts, ane pair thike and ane uther thin, and ane singill fustiane blankit, ane rid rwge, four peice of rid stuff courteanis, ane pand, and ane rwiff, ane greine stwill, and ane shewed stwill, ane tabill, ane forme, and ane browne velvet tabill cloath, ane dry stwill, and ane chalmer pott.

Item, In the by bed ane wand bed, ane fedder bed, ane bowster, two pair blankettis, ane pair shitts, and ane singill red covering.

Followiss the Inventar of the Plenishing within the Pantrie, Brew-Hous, and Kitchine of the Palace of Linlytgw.

First, Ther is in the pantrie ane great silver bassine, ane lawer, ane silver salt foot, and sax silver spons, ane tine bassine, ffour tabill cloaths, three of dornick and ane of damase, quhereof there is one of the dornicks new. Three dossoun of servits, whereof two dossoun of dornick and ane damase,

[1] A wicker bed.—Jamieson.

quhereof ther is ane dossoun of the dornick new. Three towels, quhereof ane of thame new. Three tine chanleiris, and two broken. Ane kaise with seven kniffis and ane fork, ane littell table, and ane kist.

Item, There is in the kitchen ane dossoun of great charger plaitts, two dossoun of ordinarie plaitts, two saceris, three speitts, five potts and two panns, ane pistow and ane mortar, ane laddell, ane skomer, ane brander, ane frying-pann and pott brod, ane goose pann, and ane pair of standing raxis.

Item, Ther is in the brewhous four wort standis, two guyll fatts, ane lead, ane maskeine fatt, ane taptrie and ane maskine rudder, ane old grein rwge, and ane pair of walkit blanketts for covering the fatt.

Item, Ther is in the sellar ane kist with locks and key, ane wyd seiffe and ane firlott, two puntionis, and four barrells.

Item, Ther is in the lardner aught beiffe standis, four herring stands, sevin littill barrells for fishes.

Item, In the wardrope ane coffer with hobs, ane cabinet, wryts, two old cofferis, ane quhereof having lock and key, ane burd, and two formis, ane cofer for chese.

Whilkis plenishing, guds, geir, and other furnishing contenit in the Inventar aboue written, I, Alexander Levingstoun, son to Robert Levingstoun, Constable of Blakness, grant me be thir presentis to haue inventerit in name of ane Noble Earle, James Earle of Callander, &c.; and to be maid furthcoming to his Lordship, or any havend his warrand at demand, be thir presentes, subscrivit with my hand at Linlythgw, the second day of December 1648, befoir Mr Andrew Keir, expectant, Mr Andro Ker, clerk of Linlythgw, and Robert Moyse, his servitor, wryter hereof.

A. Livingstoune.

A. Kier, Witnesse.

A. Ker, Witnes.

I, Alexander Livingstoune, likewayis grantis the reseat of an old gray stand horsse, with ane Bible and ane Psalme Booke, sometyme appertaining to umquhill Alexander Earl of Linlithgw, and now to ane Noble Earl, James Earle of Callendar, &c. at whose warrand and commission, and for whose behooffe I have intrometit therewith, as with the foirsaid.

A. Livingstoune.

NARRATIVE

OF THE

RETREAT OF A PORTION OF THE ALLIED FORCES FROM MADRID TO CIUDAD RODRIGO DURING THE WAR OF THE SUCCESSION IN SPAIN,

JULY 1706.

BY A

CORPORAL IN HARVEY'S DRAGOONS.

The following remarkable Account of the retreat of a portion of the Allied Troops, during what is commonly termed the War of Succession in Spain, was found amongst the papers of a gentleman of landed property in Ayrshire, and from the interest it possesses, will, it is hoped, be perused with interest. Unfortunately the first leaf has been torn away, so that the MS., which is written very distinctly, commences on the third page. The "Relator," as he terms himself, appears to have been then a corporal in "Harvey's Horse," and, from the style of his production, had evidently received a good education. His military skill and bravery are fully displayed in his narrative, and we only hope that when "he join'd the regiment the winter following, in Dec^{r}. 1706," he received that promotion to which he was fully entitled by his services.

From the MS. having been found amongst the papers of a Scotish gentleman, it is no unreasonable conjecture that, although serving in the English Horse, the writer may either have been a Scotsman by birth, or connected in some way or other with that country.[1] No clue, however, is afforded by which his name can be traced, and no assistance has been rendered by any of the various contemporary works, which are silent even on the subject of the "Retreat."[2] Nay, even the name of the Spanish General, the Commander, who, from what is told by the "Relator," met the fate that every renegade deserves, has not been ascertained.

When we consider that Philip was a Frenchman, and had been seated on the Throne by the Testament of the dying and imbecile Charles II, it is difficult to account for the enthusiasm of the Spaniards in his behalf; and yet nothing is more certain than that it was the feeling of loyalty, displayed in his cause by the great body of the nation, that rendered the brilliant success of the mercurial Peterborough unavailing, and finally annihilated the pretensions of the Austrian competitor. No doubt the treatment of Lord Peterborough by the English Court, and the substitution of the Earl of Galway, greatly facilitated the final suc-

[1] At the councils of war held at Alicant, September 6, 1706, old style, there were present Lieutenant-Colonel Archibald Hamilton, evidently a Scotsman, Lieutenant-Colonel Stewart, and Major Charles Stewart, also probably Scotish officers.

[2] See the "Compleat History of the Affairs of Spain from the first Treaty of Partition to this Present Time," &c. &c. By J. C., M.D. Fellow of the Royal Society, &c. and Member of the College of Physicians. London, 1707, 8vo. 2. "Account of the Earl of Peterborow's conduct in Spain, chiefly since the raising the Siege of Barcelona, 1706." Second edition, corrected. London, 1707, 8vo. 3. "Memoirs of Captain George Carleton," &c. London, 1743, 8vo. reprinted, with Prefatory Notice by Sir Walter Scott, Bart. Edin. 1808. This last work has been ascribed to De Foe, but Lord Mahon in the Appendix to his valuable "History of the War of the Succession in Spain," London, 1832, denies the accuracy of this assumption, and to a certain extent supports his opinion by proving the existence of a Captain Carleton, who was taken prisoner at the siege of Denia in 1708—an event specially mentioned in the Memoirs. But this fact is assuredly not incompatible with the supposition that the materials were furnished by Carleton, and put in their present shape by De Foe.

cess of Philip; but we question much, had the command been left where it ought to have been—with him whose victories and genius alone had rendered the Austrian Prince formidable, if even he ultimately would have prevailed against the wishes of the people. Lord Galway, however, prevented the trial of any such experiment, and his defeat at the Battle of Almanza[1] substantially terminated the War of Succession. His opponent was the Duke of Berwick, by birth an Englishman, the illegitimate son of James II. by Arabella Churchhill, a sister of the great Duke of Marlborough, and who was rewarded by the grateful Philip with the Dukedom of Liria, and raised to the dignity of a Grandee of Spain. Galway was a Frenchman, a Protestant, of the Noble Family of Ruvigny, and had received his title from William III.

This defeat raised in England a storm of indignation against Lord Galway, and it became common, in allusion to the birth of the rival commanders, to propose the health of the "brave English General who had defeated the French one."

Coxe remarks—and there is great good sense in the observation—that the enthusiasm was produced by Philip having been voluntarily acknowledged originally—by his spirited and affectionate appeal to his people, when he found his opponents were likely to bear him down—and by the determination of the Spaniards not to receive a Prince as a sovereign whom they considered as forced upon them "by rebels, enemies, and heretics.—They lavished their property in his service, supplied his army with provisions, and flocked to combat under his standard. In Castile, almost every individual became a soldier: even the distant province of Estremadura maintained an army of 12,000 men; in Salamanca the Allies had scarcely quitted the town before the inhabitants rose, again proclaimed Philip, and levied a corps of troops, which cut off all their communication with Portugal."[2]

Zealous as the inhabitants of Salamanca assuredly were in the cause of Philip, our friend the Corporal has shewn that at least in his own particular case they were unable, although led by the gallant Captain Plunket, to prevent the retreat of a portion of the detachment to which he belonged to Ciudad Rodrigo. In perusing the narrative, one cannot but be struck by the similitude between the system then followed by the Spanish peasantry towards those whom they considered enemies, with that adopted by them a century later towards the French, when they so fruitlessly attempted to change the Bourbon Dynasty—the same harrassing pursuit, not by the soldiers, but by the peasants—the same strong feeling of regard towards their sovereign, and the same ferocity and thirsting after blood. Indeed, so strong is the resemblance, that with a slight variation as to the names and time, the reader might easily fancy he was reading the journal of some unhappy French officer, during one of their many retreats.

It may be observed, that one or two passages of the Narrative are somewhat obsure; but they have been left as written, the Editor not thinking himself at liberty to make any conjectural emendations.

[1] 25th April 1707.

[2] Memoirs of the Kings of Spain of the House of Bourbon, by Archdeacon Coxe. Lon. 1815, 2d edit. 8vo. vol. i. p. 387.

NARRATIVE

OF THE

RETREAT OF A PORTION OF THE ALLIED FORCES FROM MADRID TO CIUDAD RODRIGO DURING THE WAR OF THE SUCCESSION IN SPAIN, JULY 1705.

* * * * * *

 AS composed of 40 or 42 English and Dutch, of Harvey's and Drimbur's Horse, and Mattan's Dragoons, about 14 men of each, and the detachments of the Counts San Juan and Attalaya's regiments of Portugueze Horse. The other two squadrons were all Portuguese, of the regiments of Beira, &c. The first day's march was to near Madrid, and the third day or night arrived near the Escurial, about seven leagues from Madrid, near which is one road over the Guadarama Mountains, called El Puerto de Guadarama, through which our army had passed not many days before. About 10th June it was said the service required of this body was to escort a convoy of cloaths, shoes, stockings, &c. from Portugal, for the use of the English troops; and indeed they wanted them, and no one corps more than Harvey's. At and near the Escurial the body lay 14 or 20 days, in which their business was to bring in forage and provisions for themselves, with one or two excursions as far or near Toledo, Aranjuez, and adjacent villages, where it was thought there was picked up some small contribution in money.

The General at length having intelligence that the convoy he waited for had been intercepted near Salamanca, and what was not taken or plundered was returned to Ciudad Rodrigo, he judged proper to march back to Madrid, in

order, as it was thought, to join the army. Their usual encampments were under trees, as they had no tents, for the convenience of tying their horses.

The body came to their resting place about ten at night, their marches being mostly in the evening or by night, on account of the heat of the weather, under a grove of trees not far from a house of the King's, called La Casa del Campo, and pretty near one of the great roads which leads into Madrid.

It was in a little time perceived, by the extraordinary lights and rockets in the air,[1] that something uncommon had happened in the city, and in particular by the Relator, who, being then corporal, chanced that night to have the command of the patrole guard, who, before he could make a report, stopped a Paisan, or muliteer, with the usual challenge—" Qui viva ?" He spoke Spanish very well, and was answered—"Qui avia de vivir sinon nuestro Rey Phillippo ?" i. e. " Who ought to live but our King Philip ?" He then asked—" What news ?" Was answered that " he ought to know himself—that the King was just returned—that the city was all joy—that he had sold all his fruit, and was going for more." The Relator immediately made a report to Ravenal, and he to the General. The Relator was sent to get what more intelligence he could, and a Council of War called. The Relator says he learned that Phillip had entered Madrid that evening with his Guards, and that near the town there were only about a hundred horse posted on the great road to Alcala de Henares, which he reported to Ravenal, who afterwards told the Relator that it was proposed, most probably by himself, to attempt to join the army; but the General, who had deserted Philip's service, expecting certain death if he fell into his hands, overruled this proposal. The whole of the officers, except Ravenal, being Portuguese, very probably concurred in the resolution rather to attempt to march to Portugal.

It seems probable that the General or Commander of this body knew little or nothing of the situation of our army at that time, which, if you will pardon a little digression, was, as well as I can recollect, as follows—

[1] About 22d July.

That soon after this body left the army, we made slow marches and frequent encampments during the time that it was about the Escurial, from one of which, the late Colonel John Bland, then Captain-Lieutenant in Harvey's, having the command of an out-party, retook from the enemy all or a great part of our artillery, mules, and oxen; their guard having been surprised, as the beasts were grazing near the river Henares, and was then accounted a good piece of service.

About the 20th of July, O.S., our army encamped near Guadalaxara, where I remember to have heard it reported that our King, Charles, was on his march from Saragossa, to put himself at the head of our army, and with a considerable reinforcement. But it was feared the Duke of Berwick, whose army was now much stronger than at the beginning of the campaign, would endeavour to intercept him Whether these reports were true or false, the army marched from the camp near Guadalaxara towards Siguenea, probably expecting the King would take that route to join the army, and which gave reason to conjecture this march was intended to cover him.

After two days' fatiguing march through several villages and defiles, we came in sight of the enemy, in appearance but just encamping, but parted by a small river, &c. We cannonaded some part of the day, and as soon as it was dark we decamped, and marched by the same route back towards Guadalaxara. The villages and defiles incommoded this night's march very much, but particularly the rear-guard, where our regiment was; for, with what view I never could learn, nor whether with or without our General's orders, most of the villages through which we passed were set on fire, and it was currently reported that this night's march cost the English infantry more men than the storming of a town had done in the last campaign, not by the enemy, but by running into houses and cellars, where they got drunk, &c. Next day, or that following, our camp was marched out near Guadalaxara; and upon our march into it, but the Portugueze, having the rear-guard, perceived, or thought they did so, the enemy's advanced guard so near, that our Generals thought proper, from the several columns in which the army was marching, to form their line

of battle to as much advantage as the ground would allow, and it was pretty favourable. We had a kind of barance, or broken ground, almost the whole length of our front, some hilly ground on the left, and the river Honares on the right. In this posture the army stood above an hour, but no enemy appearing, the baggage was ordered to pass the river Honares at Guadalaxara, which the army soon followed, and put the Honares between the enemy and us, the right near the town—the left extended on the banks of the river towards Acala. Next day or day following, the enemy appeared, and encamped on the plain opposite to us, only out of cannon-shot. This happened, if I am not mistaken, the 22d or 23d of July, O.S. And now all communication between our army, Madrid, and Portugal, was cut off. And, probably, the day following, Philip returned to Madrid; and hence may be dated all our misfortunes in this and ensuing campaigns.

If the party had attempted to join our army by the direct road from Madrid to Acala, in all probability it must have fallen into the enemy's camp; but being on the other side of Madrid with good guides, might possibly have passed the Tagus near it, and by a pretty large circumference might have joined the army at Guadalaxara.

This digression, I know, you may have from much better authority, and if it is faulty, or seems impertinent to the story, I beg you would destroy it, and forgive me.

It has been already observed that the officers who commanded our party had resolved to attempt to march to Portugal; and accordingly, about eleven or twelve o'clock at night our body had orders to mount with all the secrecy possible, and strict charge to keep silent, especially to the Portuguese, whose language was thought most liable to discovery. For English or Dutch might pass for some of Philip's foreign troops, which was the scheme proposed, with the usual salute—"Viva Phillipo!" &c. The party had then two days' bread and corn, which [had been] received that morning.

They passed the Escurial, and El Priesto de Guadarama, without any interruption or action worth remarking; but in the descent of the mountains at a little stallage or inn, and pretty near a village, some Portuguese, wanting provisions

were thought to have discovered what the body was, for in few hours after they could hear the alarum bells of several villages. This was the third night and day's march from Madrid,[1] and early in the morning they came to a pretty large village near the foot of the mountain, which by this description of its situation seems to be St Vincent. Here they halted, in order to try to get some provisions. The General sent an officer into the place, to acquaint the people that they were a party of King Philip's troops going to secure Salamanca against the Portuguese, who had threatened that city on account of the convoy lately intercepted near it, and only desired to buy some refreshments. This did not take, for a priest, who appeared as the mouth of the people, answered—They did not believe them—that such a number of alarum bells was never heard there but upon the approach of an enemy; therefore they must expect no refreshment there. This same priest came out soon after to the commander, and told him his only safety was to be gone immediately, for the whole country was in arms. It is thought they halted here above three hours to rest the men and horses, but without any other refreshments. During this time they could perceive numbers of people flocking together from all the neighbouring villages, with arms and weapons of several kinds, and about eleven o'clock the paisans began to fire upon the body, and killed and wounded some men and horses. On this they had orders to mount, and, as Ravenal afterwards told the Relator, the General's opinion was to endeavour their escape without attacking or killing any of the paisans. But these had surrounded the body in such a manner, that this seemed next to impossible, so that Don Manuel and Ravenal overruled this opinion of the General's, and made a disposition to attack the paisans, and retreat as well as they could.

The Commander was an old man, and seemed on this occasion much frighted, so that he left the disposition to the above-mentioned officers, whose intention was to destroy as many of the paisans as they could, hoping thereby to intimidate the rest from pursuing them farther. There was a small interval of ground left unpossessed by the paisans, but

[1] Probably 27th of July.

contrary to the road which led through the village, and which of necessity they must take. The body was then divided into four little squadrons, and thus they fell in among the paisans, sparing none who stood in the way, till they gained the road through the village. This action, it is thought, lasted about an hour before the body got clear of the village, and on drawing together towards evening, found they had lost above forty men, and, by accounts from some paisans, they found next day, it was said, above four hundred of them were killed or wounded.

This afternoon the body was not much pursued, and towards evening the Relator was sent with a small advanced party to get some intelligence of the road, or what else he could. Being a very open country, they could discover numbers of people flocking together on the rising grounds, and making as if they intended to get before the body. The Relator with his party might now be advanced about two miles, and speaking Spanish with the usual "Viva Phillip!" &c., he came up with about a dozen of the country people, whom he detained without any violence until the body came up, and took them to Ravenal.

From these people they learnt that, though they were or seemed ignorant of the action that had happened in the morning at the village, which might then be about three leagues off, yet the country thereabout was alarmed, and crowding together, in order to possess a difficult road, through which they thought the enemy that was in the country must necessarily pass; and being well informed of their circumstances, as much fatigued, horses tired, without ammunition, &c. made no doubt of stopping them at that place if they were a thousand men.

About five or six in the evening the body came to within about a league of the place where they had been told the paisans intended to dispute their passage. Here the informers were again examined by Don Manuel and Ravenal, and said that not above one or two horses could march in front over a very rocky way. The view, as well as can be remembered, was a pretty high hill covered with some kind of wood or shrubs. The body dismounted, and halted here some time; and two paisans were dismissed with good usage, to tell their countrymen that this party, which was their friends,

would goe over the mountain this night or to-morrow morning, and desired they might give them no trouble, &c. The rest were kept to guide the body by another road, which they said was near a league about, but proved much farther, as it cost the whole night's march, and led them, as was imagined, too much to the right towards Salamanca. The first intended rout being to have gained Coria if possible.

They marched quietly that night, leading their horses unbitted, and feeding them with shrubs, boughs, or what was found in the way.

This is judged to be the fourth day and night from Madrid, and it was thought the two paisans, dismissed the evening before, had the good effect that they were not molested till about ten next morning. That body entered a little valley, the sun exceeding hot, and both men and horses very faint.

Here they hoped to have rested a little, but it is judged the people, who had guarded the pass all night, and finding the body had taken another road, were now come in pursuit of it, for numbers of people poured down upon them, and a good many mounted.

They were harassed about an hour with popping shots from the rising ground, from behind trees, &c. The horses began to fail very much, and several men took to their feet without boots or shoes. Upon the body's beginning to move, the paisans crowded into the plain, as judged in greater numbers than the day before, which put the commanders as well as men into some consternation, and great perplexity what rout to take, which, the Relator says, he thinks was observed by the paisans, who had before been in separate bodies, but were now joining to attack the party, or to cut off their retreat from the direct road.

All cloaks, wallets, &c. were thrown away, and hardly two hundred horses weakly able to carry their riders.

One part of the paisans, being nearer our body than the other, and greedy of the booty they expected, as reported by some who were taken and carried off, began the attack. The rest seconded these, and then commenced a furious confused skirmish and battle of the paisans for booty, or whatever other motive, and of the party to get clear and gain the road, for quarters or life were not expected if a man

fell into the paisans' hands. The road was perceived to lead over a small hill, through a low wood, guessed to be a plantation of hasel-nut trees, and thither the attempt was to be made to cut their way. They fell in among the crowds of paisans with such kind of fury as the utmost despair, &c., may be imagined to prompt and hurry men to, hacking and hewing as every man was able. Those who first got clear always made to the front, and with some short halts endeavoured to bring up as many men as they could, or as the commander thought consistent with the safety of the number that had not got off; those who were not able to join the body were given up. The dismal shouts and screams of the paisans during the action, the Relator thinks affects him while he tells the story; and before they got clear was near two hours.

The numbers of the killed or wounded of the paisans cannot be said with any certainty.

After passing the hill, they could discover a pretty well-inhabited country, of aldeas, or small villages and farm-like houses, somewhat hilly, and no large town or village in view. It was perceived that the road the body was then in, led very near one of the farm-houses, about which was a crowd of people. The commander ordered a Portuguese captain, with a small party, to advance and disperse these to prevent their annoying the body, as it was obliged to pass very near the house. On this little party's approach, the paisans took into the house, and from the windows fired and killed the captain and three men; the rest of the party retired to the body, which moved on, without being farther molested from that house, for the paisans could be perceived very busy in stripping the dead.

This might happen about four or five in the afternoon, and from hence about half a league, another party of paisans lay in ambush, and killed a Portuguese cornet, and three or four men. This officer was a clever active man, and the loss of him much regretted. The men got some fruit this evening in the hedge, &c., which was some little refreshment, yet still pursued by small numbers at a distance, who now and then picked off a man or horse. In the evening of this day, which is called the 5th from Madrid, we marched through a little wood or plantation of olive trees, at the

end of which, at some little distance, there was a kind of thicket, a wood of low shrubs; and upon the right of this thicket, a number of men was discovered, guessed to be about sixty, some mounted on horses or mules, but the greatest part on foot. Here Ravenal ordered the Relator, with sixteen men, into a kind of rear-guard, to prevent, as much as he could, the paisans from falling upon the rear, being the weakest horses and men on foot, or from getting into the wood to annoy the flanks of the body, or stop its march.

This command, the Relator owns, was the more disagreeable, in that it had been practised from the beginning of this retreat—that the body where the General was, never halted; for any party that had been detached or sent out from it, or left in the rear, if they came up, well; if not, the General marched on. This party consisted of sixteen men, eight mounted on horses scarce able to walk, and eight on foot, and, except two or three, were all the English and Dutch that were left. The men on foot were shod with the lineings of their coats, waistcoats, &c., or such rags as they had picked up to wrap about their feet, and armed with scupetas, or firelocks, and spadas, taken from the paisans, being more useful than their own, which had been mostly thrown away.

Between the olive wood and the thicket before mentioned there was a pretty broad path, through which the paisans must necessarily pass, to goe up into the thicket after the body.

This little party of *enfans perdus* determined to sell their lives as dear as possible. The Relator planted an ambuscade on each side of the road, just at the entrance that led into the thicket.

The Relator's fire was to be the men's signal, which they well observed. The paisans were led by a man in a priest's habit, well mounted and armed. The Relator's own fire secured the leader. On his fall, and of three or four more, with the first fire, the rest fled. The priest, as he fell, kept fast hold of his reins, and his foot intangled in the stirrup, stopped his horse untill the Relator seized him, and mounted him well. The little spoil they got here, viz. a boracho of wine, a loaf of bread, a piece of bacon, &c., and some ammunition, recruited the spirits of this little party, and sending

on his infantry, with his mounted men faced those who came in a kind of skulking pursuit, and in about two hours again joined the body. But before this some paisans, skulking among the trees or shrubs near the road, had shot the General's aid-du-camp dead, but none were able to pursue them. On the Relator's coming to the Generall with his report, he would gladly have bought his horse, and offered him twenty pistoles, which being refused, some menaces were used; but the General being told that the horse was then the man's life—that whoever would attempt to take the one, must first take the other, ceased.

This night, about ten or eleven, the body halted, but cannot be recollected what number of men were lost in this day's action and march.

They lay quietly, and browsed their horses on leaves and boughs of trees.

This night the Generall ordered a Portuguese cornet and fifteen men out on some discovering party or occasion, of which the Relator was ignorant, who never after joined the body, nor was it heard what became of them.

About break of day, Don Manuel came up to Ravenal, with whom the Relator was then sitting, amongst the few of Harvey's horse that remained. "What must we doe?" said he, "our General Perro Castiliano, ha fugido."—i. e. "Castilian dog—has deserted!" Ravenal seemed surprized, but answered calmly—"I can think of nothing but to continue our march!"

The General had gone off privately this night. All that could be guessed of him was, that he had hired some paisans to be his guides to the nearest frontier of Portugal, and that they had betrayed or killed him. He had only three servants, who were supposed to have gone with him, for it was not found he had taken any part of the troops with him, unless the cornet and party he had sent out before were intended for that purpose, which is only a conjecture, as it was never heard of more than the General, for Ravenal told the Relator he never heard of him afterwards in Portugal.

This night they had lain quiet, and got some sleep, but soon after Don Manuel's salute to Ravenal, the paisans begun some popping shots, and appeared in little parties of six or ten together.

Don Manuel, Ravenal, and another officer of the Portuguese, had a short consultation, wherein nothing could be proposed but to continue their march, by whatever rout they found the least obstruction from the paisans. In about half a league's march Ravenal's horse was shot. He mounted his servant's horse, and his servant run on foot.

This morning proved fatal to the poor quarter-master Nash, who, though a very fat heavy man, and mounted on an English gelding—the horse had held out surprisingly, it is thought had tasted no sustenance for three or four days before except water. The poor man showed signs of being mad, after which he soon fell off his horse, and with a trooper of Harvey's, who endeavoured to assist him, fell into the paisans hands in the Relator's view, who seemed striving which should have his spada or cuchillo first into the carcasses.

This morning the paisans did not appear in great bodies, but in skulking parties of five or ten together, though the country seemed well inhabited. A great part of the road was hilly, with little woods or thickets at small distances, afforded the paisans opportunities of picking off several men and horses, especially such as were in the rear, faint, and not able to keep near enough to the main of the party. Those men who happened to be well mounted by horses taken from the paisans were this day very serviceable, for they killed several paisans who rode horses or mules, and gave to officers, &c., who most wanted. And this day the Relator mounted Ravenal, whose horse was very near failing. A few men found also some refreshments in the paisans' wallets which happened to fall in their way.

This was the easiest day's march the body had found from its passing the Guadaram Mountains, having had no general attack, nor any body of paisans to stop its march. The number of the faint or weak who were picked off in the rear, cannot be said with any certainty. The Relator thinks this part of the country had not been as yet so fully alarmed as to rise in bodies, for this evening they took several paisans unarmed, who said they came from Salamanca, which was four or five leagues off, and this was the first time any judgment could be formed whereabout they were.

Don Manuel and Ravenal treated these paisans very

civilly, and gave them money to bring some refreshments from the nearest village, but kept three or four of the lustiest for guides, and marched on in hopes that night's and next morning's march, might have carried them clear of Salamanca.

This is called the sixth day and night from Madrid. On the next morning, which we call the 7th, and had well nigh proved the most fatal of all, about break of day some country people were met in the way, but without arms, who informed Don Manuel and Ravenal that "they came from Salamanca, and that at that place there was intelligence of this body of enemy, but they thought them so harassed and fatigued they would not be able to come so far, at least not so soon; that there was at Salamanca a captain with a troop of brave men, who was joined by many cavallieros, students, and others, who were determined to take them prisoners if they came so far." It is guessed we were about two or three leagues off Salamanca, with the city on the right.

The body moved on till about eight in the morning without any trouble or obstruction from the paisans, though several were met, and could discover many little parties of the country people running from place to place, but without arms, and some of them gave good information of the enemy which waited for us, so that Don Manuel and Ravenal could pretty nearly guess whereabout that body was posted. The Relator cannot recollect any other officer now left but the two last named. They carefully avoided the open country, and all this morning industriously marched under the cover of the olive woods, where generally the trees were thick set, and but low.

About nine in the morning it was perceived that the party drew near this body of the enemy, and had it entirely in front, for a trumpet and noise was heard, though the wood intercepted the view of each other.

The enemy that was thus posted, consisted of a troop which had been formed of Irish, English, and deserters of all countries, and called "Hussars," from a resemblance in the cloathing and accoutrements which were given them, and commanded by one Plunket,[1] an Irishman; the number

[1] Although Plunket, as will immediately be seen, was shot, it by no means follows that he was killed. On the contrary, we rather think that he must

supposed to be about one hundred men, well mounted and armed. To this troop or squadron were joined as volunteers under Plunket, who had made himself famous in these parts by the last convoy he had a great hand in intercepting, and several successful attempts he had made in pillaging the bordering villages of Portugall; to have the honour to assist in taking this body prisoners, as the Relator was afterwards informed, for they expected no fighting.

Our body was now, as well as can be recollected, reduced to about 180 men, whereof between twenty and thirty were on foot, and much the greater number of horses scarce able to carry their riders, divided into three small squadrons, now regularly formed, arms fresh loaded and primed, and to the greatest number of men all the ammunition they had.

As the body stood thus formed, and very soon after its being in this position, the enemy prevented its movement, for Plunket thought fit to send his trumpet, who delivered his message in English—which the Relator interpreted to the Major Don Manuel, as he was better understood in Portuguese or Spanish than Ravenal, for Don Manuel did not understand French—to this purpose, that "the Honourable Captain Plunket expected this party should have sent to him, but that he had sent his trumpet to them, to let them know that if they would surrender themselves prisoners of war, they should have quarter and be well used."

On this Don Manuel and Ravenal had a short consultation, and then reported to the men Plunket's message as above, and their opinion, which was to this effect, that "whatever promises of life and good usage, &c. Plunket made to them, and though he himself might have honour

have been the same person who afterwards became sixth Earl of Fingall by the death of his remote relative Justin, the fifth Earl, 27th March 1734. George, sixth Earl, was a Captain in the service of the Duke of Berwick, and his family—a Roman Catholic one—adhered to the deposed Stuarts, till the Fingall titles and estates opened to him. He was a soldier of fortune, and as he was in the service of the Duke of Berwick, the presumption is irresistible that he was with him in Spain. This being conceded, his identity with the leader of the Salamanca Volunteers may almost be taken for granted. Earl George retained his title and estates only a short time, as he died in Paris in 1738, leaving by his wife Mary, daughter of Roger Magenis, a gentleman in the French service, two sons and a daughter. He was the direct ancestor of the present Noble inheritor of the title in the Peerage of Ireland.

enough to keep his word, yet he had not authority nor forces sufficient to protect them from the resentment and rage of the people, considering what numbers they had killed; when the country should come to know that they were in their power, they would certainly be every man massacred; and if they would but stand this one brush, and kill Plunket, his men would fly, and we might have a fair chance of retreating safely." To this was added a particular description of Plunket, which had been learned from the country people this morning, that "he was a tall lusty handsome man in a hussar dress, a white feather in his cap, and rode a very fine horse," &c.

This message of Plunket's, &c. was by Ravenal delivered to the Relator, and by him reported to the men of that squadron which Ravenal commanded, who answered unanimously they would follow him, Ravenal, to the last drop of blood.

Don Manuel received a different answer from the Portuguese, who were almost as unanimous for surrendering; but in a brave manner he drew his sword, and with the usual phrase "Boto a Christo," he would die rather than be taken, and whoever would fight, to follow him.

The precise number that followed Don Manuel cannot be ascertained, but guessed to be about thirty, with whom he came and joined Ravenal's little squadron, which, with this reinforcement, might then consist of about eighty men, whereof seven or eight were on foot.

The Relator observes how happy it was that Plunket resolved to attack, and not to wait for our movement, nor to surround or invest this little squadron with his own, and the numbers of volunteers he had. The trees were of great use, and by being interlined, as it were, with the men, helped not only to support and cover the men and horses, but extended the front of the squadron considerably, by which it outflanked Plunket's, though a greater number.

The Portuguese who would not fight separated, and drew off about 200 paces to the left.

Plunket's trumpet was detained till the squadron was disposed of, &c., and then sent back with an answer to this purpose—"That the party desired to pass unmolested, but that if they must be prisoners, they must be taken sword in hand."

It is judged the trumpet had not above four hundred paces to carry his message, for we could hear him immediately sound to horse, and soon after the enemy appeared. Our squadron had orders not to fire a shot until the enemy was within less than pistol reach, and Don Manuel's pistol was to be the signal, which order was well observed.

Plunket's troop was attended with numbers of volunteers on flanks and in rear, who fired several scattering shots, and wounded two or three men before his troop came near; for the trees incommoded him a good deal in his march, and was obliged to make frequent stops to keep his men in order.

As Plunket moved up with a good deal of apparent bravery, Don Manuel ordered his trumpeter to sound a charge, but the poor fellow's hand shook so that he could not make his trumpet sound to be heard. On which Don Manuel snatched the trumpet, clapped it to his own mouth, made a kind of noise, and threw it again to the trumpeter.

It is thought Plunket was within eight paces of our horses heads before Don Manuel gave the signal, and fired his pistol. On which the front rank made a full volley, Plunket and horse both fell, and, it is guessed, near twenty of his men. The rest of his troop, with all the volunteers that had joined him, fled instantly without ever rallying, at least in our view, or to oppose our squadron. They rode against trees, and over numbers of their own volunteers, &c. who made a dismal outcry, and was a very uncommon sight, though at that time pleasant enough to the Relator and his companions.

The body of Portuguese above mentioned which would not fight, and drew off to the left, seemed at first crowded together, but on Plunket's approach, appeared through the trees as if they were dispersing, and upon the flight of Plunket's squadron, Ravenal's, contrary to their custom, which used to be in their former engagements a profound silence, gave a loud "Huzza!" At the same time the Relator heard great fireing and shouting on their left, which, as he was afterwards informed, was by a vast crowd of the country people who had surrounded the body of Portuguese, and it is thought that if Plunket's troop did rally, it was to join the paisans, and help to destroy the poor body of Portuguese, for a man of them was never after heard of.

The Relator thinks this body of Portuguese drawing off,

and employing such a number of paisans, contributed greatly to the escape of Ravenal's squadron, in that they received but little injury before Plunket's charge, and were not at all pursued.

On the flight of Plunket's hussars, Don Manuel and Ravenal moved on directly, cutting down what stood in their way, without any design of pursuing the enemy, but their own march, in order to get clear. Don Manuel shouted loud to pursue the flyers, but at same time with signals and a low voice ordered to follow him and Ravenal. In about half an hour the squadron was clear of the ground and the olive wood, and had left all the enemy behind, but found themselves obliged to pass very near the city of Salamanca, which gave some apprehensions of a fresh attack; but from some peasants who were met with civilly, it was learned "that none were in arms in the city, for all who loved fighting, &c., had followed Plunket, and that the gates were shut." Accordingly they found it so, and passed by two little convents within less than a quarter of a mile of the city walls without any obstruction, and saw very few people.

After passing the city, the squadron made a little halt, to bring up some men who had slight wounds and were in sight; then marched on, and seeing none in pursuit, we halted at a little village which the inhabitants had abandoned, except a few very poor people, from whom there was no reason to fear any thing. Here the horses got some straw, which was a great refreshment, and the wounded men water, &c. to dress their wounds; and one of Harvey's, in particular, who had been wounded some days before in the head, had a vast quantity of vermin taken out of the wound.

This may be called the eighth day's and night's march. From hence the squadron marched before day, and early in the morning the road led through a low shrub-wood over a hill, at foot of which was a low marshy meadow-like ground, where was a stud of brood mares, with several colts following them. From hence, and the hill above it, we had a large extended prospect; and the squadron halted here several hours, grazed their horses, &c.

Here Don Manuel and Ravenal reviewed their men, and found the poor shattered remains to be about sixty, whereof

about twenty were wounded only flesh, but all gun-shot wounds. Of the sixty men, five or six remained of Harvey's, three Dutch; the rest were Portuguese of Count St Juan's and Attallaya's regiments of horse, which made part of Ravenal's squadron from the first, or of thirty men who followed Don Manuel, when the main body of the Portuguese refused to fight.

Being now near the frontiers of Portugal, and thought out of danger of any farther attack, the weak and wounded were sent on before, as they were able to march, and Don Manuel and Ravenal led their poor remainder gently after; and in some villages, though mostly deserted, they found some little refreshment.

They marched gently this night on account of the heat of the weather, and next day about noon, which is called the tenth, arrived at a little castle and garrison of Portugal, where even here the most part of this handful of men lay under the walls, and very ill provided for, for three days, and were then sent to Ciudad Rodrigo, where Ravenal fell sick, and several men died.

The name of the Portuguese garrison where the party first arrived, cannot be exactly recollected, but from the march and distance from Salamanca, I conjecture from the map that it might be a place called Castel-Rodrigo, being two or three days' march from Ciudad Rodrigo, whither the remains of the party were sent.

The Don Manuel was immediately made a Brigadier, and second in command under Count de Prata of a body of Portuguese troops, which was sent to take vengeance of Salamanca for what insults had been offered to our convoys, &c. On this command the Relator was also, and returned to Ciudad Rodrigo, found Ravenal recovered, attended him to Lisbon, and with the English Hospital clothing, &c., joined the regiment the winter following in Valencia, in December 1706.

It was at Valencia that Charles held his pseudo Royal Court, in which the principal actors were a few Germans, whose arroganee was only equalled by their ignorance.

The Earl of Peterborough, who had left Spain to raise the neeessary supplies, landed at Barcelona on the 27th Deeember 1706, and reached Valeneia on the 10th of January, where his eounsel was much wanted.

"He took part," says Lord Mahon, "in several Councils of War at Valencia, especially one on the 15th of January, when all the general officers gave their opinions in writing. That of Peterborough was entirely for the defensive. Considering the spirit of the Castillians, the great preparations of the French, and the superiority of the enemy, more especially in cavalry, he strongly deprecated any direct march upon Madrid—a city which, if recovered, could hardly be retained—and a march which would probably lead to an unequal and disastrous battle on the way. He thought it quite sufficient for the Allies, at that time, to hold their ground in Aragon and Valencia; whilst the enemy's cavalry would waste away for want of forage, or be recalled to repel the invasions of Provence and Artois, and whilst new faults in the Government would cool the Castillian zeal in its behalf. This advice deserved particular attention, from the daring and adventurous character which Lord Peterborough had so often shown, and which would not incline him to propose defensive measures, did he not see their necessity, and understand (how few Generals do both!) the proper season for caution as well as the proper season for boldness. A counter plan was, however, proposed by General Stanhope. He said that the Queen had not sent over such considerable forces to pine away as garrisons, or hide themselves behind entrenchments; and that, as her Majesty's envoy, he must protest against their employment, or rather their non-employment, in this manner. Such timid counsels would not only damp their present zeal, and prevent their future exertions, but would lose them the affections of the Aragonese, the Valencians, and the Catalans, and induce these to join their brother Spaniards. How could they defend the long line from the Pyrenees to Murcia, without great division of forces? or how could this division be made without exposing them to be beaten in detail? But if, on the other hand, they should attack Berwick as soon as they received their expected reinforcements, and before the arrival of his, they might probably defeat him. They might then push forward to Madrid, establish the King with such an army as should be able to maintain him there, try the effect on the public mind of his personal appearance in his capital, and be joined by the Portuguese from the Estremaduran frontier. In the opinion thus given, Stanhope was supported by the wishes of the people in England, who were all at this time crying out for offensive operations, and also by the wishes of the Government, as afterwards expressed in both the Cabinet and Privy Councils. Lord Peterborough, at a subsequent period, inveighed with some severity against both of these. 'I have heard a distinction,' he observed, 'between the Cabinet Council and the Privy Council; that the Privy Councillors were such as were thought to know every thing, and knew nothing; and those of the Cabinet thought nobody knew any thing but themselves.'" History of the War of Succession in Spain, Lond. 8vo. 1832, p. 224. All this terminated as might be expected; the Allies got a terrible drubbing, and the German Pretender had cause to regret the non-adoption of the measures recommended by Lord Peterborough.

LETTERS

FROM

SIMON LORD FRASER OF LOVAT

TO

GEORGE CRAWFORD, Esq.

1728-30.



Of the many persons who suffered for their espousal of the cause of the dethroned Dynasty, the one whose fate excites the least sympathy is Simon Lord Fraser of Lovat, one of the most unprincipled persons who ever figured on the stage of history. He gained power, title, and estate, by going over to the gaining side in 1715; and he lost them, together with his life, when for a St Germain's Dukedom, he renewed in 1745, his allegiance to the party he had originally deserted. He rose by his dexterity in securing for George I. the town of Inverness, and he fell by his ambition to be Duke of Inverness.[1]

The original patent of the Barony of Lovat does not exist, and on the demise of Hugh Lord Lovat, who died in 1697, both title and estate were taken up by his eldest daughter Emilia, who had married Alexander Mackenzie of Fraserdale. The undoubted heir-male was Thomas Fraser of Beaufort, father of Simon Fraser, afterwards Lord Lovat;[2] but both father and son, at the time the succession opened, were not in a situation to claim, owing to their forfeiture by the Court of Justiciary 27th June 1698,[3] for "treasone, and open rebellione, convocatione, and conveening in arms, unlawful banding and levying, robberie, ravishment, and other violences," &c. The Lady was allowed to retain her title, which she did, until her demise in 1727. Fraserdale, unfortunately for himself, took up arms for the Stuarts, and was attainted; whereupon Simon, who had dexterously changed sides, procured, in consequence of his "*loyalty*" to the reigning Monarch, a free pardon,[4] was rewarded with a gift of Fraserdale's liferent escheat, and in this way obtained possession of the Lovat estates.

Being thus in a favourable position, Simon Fraser brought forward his claim to the Barony of Lovat before the Court of Session—a tribunal which before the Union had the exclusive right of trying the question—and which, as the Articles of Union did not abrogate its jurisdiction, had then, and still has, it is apprehended, a right of adjudicating on all such points. As the dispute was attended with difficulty, and it required

[1] This Ducal Patent from the Titular James III. was the price of his apostacy.

[2] Born at Beaufort, near Inverness, in 1668. Memoirs of Simon Lord Fraser. London, 1746. P. 13.

[3] Evidence in Lovat Peerage, p. 62.

[4] Pardon dated 10th March 1716. Ib. p. 64.

great research into the Law of Scotland, to ascertain whether, in the absence of the patent, the dignity was vested in the heir-female or the heir-male, the "pawkie" Simon, who had taken the title of Lord Lovat, enlisted in his service George Crawford, a gentleman well versed in genealogical inquiries, whose investigations, he felt assured, would greatly benefit his cause. The letters, which are now printed, were addressed by his Lordship to Mr Crawford, and are highly characteristic of the writer, who spared neither promises nor flattery, to encourage the genealogist in his labours.

Mr Crawford did his best on behalf of his client, and the very curious and valuable information embodied in the printed pleadings, led to the result so much desired by his Lordship, for in 1730 a decision was pronounced in his favour. It is understood that very considerable doubts were entertained on the Bench, and that the judgment was preceded by an extrajudicial arrangement, by which his opponent became entitled to a very considerable sum for his right, real or pretended, to the honours and estate of Lovat. Indeed, there does not seem any reason to doubt this, as it is not only stated in the Memoirs of Lord Lovat,[1] but Lord Marchmont, in giving his opinion in the Cassillis Peerage Claim, positively asserts that such was the fact.

No sooner was the coronet fairly set on his brow, than the affection of "my dear Crawford's faithful slave" began to cool, and neither the unlucky genealogist nor his heirs could procure a settlement. So angry was Mr Crawford at the treatment he had received, that he used to call his patron one of the greatest scoundrels in the world, and threatened, if ever he met him, to break every bone in his body.

The letters are printed from copies in the handwriting of Mrs Crawford,[2] a daughter of James Anderson, whose magnificent work, entitled "Diplomata Scotiæ," is well known to book collectors, and which were transmitted by her to her brother, Patrick Anderson, accompanied by the following attestation of their authenticity.

"*Glasgow, August 8th* 1733.

"Dear Brother—There is the double of four letters of most consequence, and you will peruse them, and write me your thought of them. You'll think it strange I did not do this before now, but Mr Crawford lost the key of his desk at Edinburgh, and I behoved to wait his time in causing open it. You will mind these other papers I spoke of to you. Hoping to see you now in a few days, this my service to your wife and son, I am, dear Brother, your affectionate Sister,

"Margt. Anderson."[3]

"My kind service to Mr Holburn, not doubting of his good consultation in this matter, however ill it may be paid. Be so kind to send me two quire of paper I got from you last, becaus Mr Crawford has begun my Lord's History of his Family on it."

[1] London, 1746, 8vo, p. 71.

[2] In a volume of MS. Papers now in the Library of the Faculty of Advocates, previously in the possession of the late John Dillon, Esq., who was related to Crawford, and who used to mention his indignation, and determination to castigate his Lordship on the first opportunity.

[3] "George Crawford has again been very earnest about Peggy, and finding both very concerned, so we have agreed, and they are proclaimed, and to be married on Monday. I have outfitted her decently, but in all other things it is to be very private." James Anderson, Esq. to his son Patrick, 14th June 1716.

Of his Lordship's subsequent career it is unnecessary to say much. He joined in the Enterprize of 1745-6, and met the fate he merited. The following letter to the gallant Lochiel, is too characteristic of the subtle Celt to be omitted. Sir Walter Scott, to whom it was originally shewn by the Editor, before its insertion in Mr Anderson's "Historical Account of the Family of Fraser,"[1] was greatly delighted with it, and used to laugh at his Lordship's remark, "that siller would go far in the Highlands,"—remarking, that "Lovat knew his countrymen well."

"*September* 1745.

"Dear Lochiel—I fear you have been ower rash in going ere affairs were ripe. You are in a dangerous state. The Elector's General, Cope, is in your rear, hanging at your tail, with 3000 men, such as have not been seen heir since Dundee's affair, and we have no force to meet him. If the Macphersons would take the field, I would bring out my lads to help the work, and 'twixt the twa we might cause Cope keep his Christmas heir; but only Cluny is earnest in the cause, and my Lord Advocat[2] plays at cat and mouse with me: but times may change, and I may bring him to the Saint Johnstone's tippet.[3] Meantime look to yourselves, for you may expect many a sour face and sharp weapon in the South. I'll aid when I can; but my prayers are all I can give at present. My services to the Prince; but I wish he had not come heir soe empty-handed. Siller would go far in the Highlands. I send this be Ewan Fraser, whom I have charged to give it to yourself; for were Dunean[4] to find it, it would be my head to an onion. Farewell. Your faithful friend,

"Lovat."

"*For the Laird of Locheil, these.*"

Macpherson of Cluny[5] had married Janet the eldest daughter of Lord Lovat in 1740. At the time of the Enterprize of 1745 he held a commission as a captain in the Earl of Loudon's regiment. This, however, he threw up, and by his father-in-law's persuasion raised his Clan and joined Prince Charles.

Lord Lovat, in 1736, resolving not to leave his virtues to be emblazoned on his tomb by his descendants, took that duty upon himself, and erected a stately monument in the churchyard of Kirkhill, within a few miles of his seat of Castledouny. On this was placed the inscription:—"To the memory of Thomas Lord Fraser of Lovat,[6] who chose rather to undergo the greatest hardships of fortune, than to part with the ancient honours of his house, and bore these hardships with undaunted fortitude of mind.

[1] Edin. 1825. 4to.

[2] Robert Craigie, Esq. of Glendoich, appointed Lord Advocate 1742, and Lord President 1754.

[3] The gibbet, or properly a halter. A popular soubriquet which originated in 1559, by a party of the "Reformers" marching to Dunblane and Stirling from Perth, with ropes round their necks (hence designated "St Johnstown's tippets"—St John being the tutelary saint of Perth), expressive of their resolution to demolish the religious houses, or die in the attempt.

[4] Duncan Forbes, Lord President, who had all along been the stedfast friend of Lovat, until he found out his treachery.

[5] The present Laird of Cluny (Macpherson) is the heir of line of Simon Lord Lovat.

[6] This gentleman never assumed the title; indeed, he was civilly incapacitated by his outlawry. He died in May 1699, at Dunvegan in Skye, aged sixty-three. His eldest son, Alexander, died before his father at the age of twenty-five.

"This Monument was erected by Simon Lord Fraser of Lovat, who likewise having undergone many and great vicissitudes of good and bad fortune, through the malice of his enemies, he in the end, at the head of his clan forced his way to his paternal inheritance with his sword in his hand, and relieved his kindred and followers from oppression and slavery. And both at home and in foreign countries, by his eminent actions in the war and the state, he has acquired great honour and reputation.

"Hic tegit ossa lapis, Simonis fortis in armis,
Restituit pressum, nam genus ille suum.
Hoc Marmor posuit, cari genitoris honori:
In genus afflictum par erat ejus amor."[1]

Sir Robert Monro, Bart. of Foulis,[2] when on a visit to Lovat, was taken by him to view the monument. After reading it he exclaimed—"Simon, how the d——l came you to have the assurance to put up such a boastful and romantic inscription?" To which his Lordship coolly answered—"The Monument and inscription are chiefly calculated for the Frasers, who must believe whatever I, their Chief, require of them, and their posterity will think it as true as the Gospel."

After the Battle of Culloden, the defeated Prince retreated to the interior of Inverness-shire, and met Lord Lovat at Gortuleg, the house of a Mr Fraser, his Lordship's steward or factor. Lovat exhorted his Royal Highness to keep up his courage, and remember his ancestor Robert the Bruce, who, after eleven battles lost, by winning the twelfth recovered his kingdom. This advice was not palatable to the Prince's companions O'Sullivan and O'Neill, who entreated him to escape as speedily as he could, and to listen to no insinuations of another rising.[3]

Lovat's excuse for his disloyalty to a Government which had conferred so many favours on him was, that it was in revenge to the Ministry for their ill usage of him, in taking away his commission of captain of an Independent Company of Highlanders."[4] But he forgot very judiciously that the Company was not taken away from him until his treasonable practices had been detected.

[1] "Beneath this stone brave Simon's bones repose,
Whose valiant arm subdued his Clansmen's foes:
This to a much loved Sire the Chieftain rears,
Who with his Clansmen shared his love and tears."

This was certainly one word for the Sire, and two at least for Simon himself.

[2] Killed at the battle of Falkirk.

[3] Narrative of the Several Passages of the Young Chevalier from the Battle of Culloden to his Embarkation for France. Lond. 1750, p. 3.

[4] See Lord Hardwicke's speech on delivering sentence on Lord Lovat, 19th of March 1746-7, p. 6.

LETTERS

FROM

SIMON LORD FRASER OF LOVAT

TO

GEORGE CRAWFORD, Esq.

1728-30.

Beaufort, Aprile 1, 1728.

Dear Sir,



HOPE this will find you, and your lady, and bairns, in perfect health; and I assure you and them of my kind humble service, and my wife's. I think long to hear from you, for besides the regard I must always have for you for your signal and essential good services to my family, I really love and esteem your person and conversation; and if some affair of consequence do not intervene, I'll beg the favour of you to do me the honour to come North with me, after, I hope, we shall defeat the heir-female at the summer Session. I made your court to Mr Francis Stewart at Camilla. He is now very sanguine, and believes my affair entirely his own. I earnestly entreat, my dear Crawford, that you do not relent or diminish in the least your care and diligence in the Earl of Murray's cause and mine, and though we have antiquity and law on our side, let us not despise our enemies, who, I hear, are very busie; and if you believe that the Earl and I have any honour, you may fully assure yourself of being liberally rewarded by us both,[1] so I beg you spare no pains or expense to make our

[1] On the death of Alexander Earl of Moray, the titles were assumed by Charles and Francis, his second and third sons, to the prejudice of

rights as evident as they are just and natural, and believe me to be, with much esteem and affection,

DEAR SIR,

Your most obedient and faithful humble Servant,

LOVAT.

Beaufort, October 4th, 1728.

MY DEAR CRAWFORD,

I HAD the honour of your letter some days agoe, and Tuesday last the box with your books was delivered to my doer at Inverness. I design to send immediately for them, and I'll answer to you for the price of them.[1] Mr Houstoun writes me that he paid for the binding, and my doer at Inverness paid for the ffraught, so there remains now to get a guinea a-piece for them, which I will endeavour to do doe as soon as possible. I wish you got all your books as well off your hand as those twelve. You may easily believe, my dear Crawford, that I wrote pressingly in your favours as much as I would in my own; but I cannot answer for the effect till I am at Court myself. Then I can insure your business, and I design to go as soon as my process at Edinburgh is over, whatever the fate of it may be before the Session, where I have good hopes by your great knowledge in antiquity. Fraserdale and his family give themselves great aires in this country, as if cocksure of their process at Edinburgh. But it is their ordinary to flatter themselves without grounds, and to spread abroad lying reports, the common produce of their empty *imaginations*. I trust in God, in my just right, in the integrity of the Judges, and in the ability of my lawyers, of which I reckon you the first in this cause, because it must be determined by the law of antiquity, of which you are certainly the first doctor of our kingdom; so that I have no manner of uneasiness about my process, notwithstanding of Fraserdale's great

Emilia, wife of Alexander Fraser of Strichen (ancestor of the present Lord Lovat), the daughter of Lord Doune, the eldest son, who pre-deceased his father. See Mr Riddell's valuable "Inquiry into the Law and Practice in Scotish Peerages." Edin. 1842, vol. ii. p. 783.

[1] Copies probably of Crawford's "Lives of the Officers of State," of which one volume only appeared. Edinburgh, 1726, folio. It is a valuable work.

gasconady. I give you thanks for your diligence. All the return I can make is, that I shall always be your faithful friend. While I have a penny you shall have a farthing. So I beg to hear from you every fortnight, and let me know what you are doing. I hope to be at Edinburgh the first week of November; for, whatever comes of my cause, I am resolved to have nothing to reproach myself with as to my labour or expence. I beg leave to assure you, and your Lady, [and your] children, of my most humble service and my wife's, and I am, with a sincere esteem,

DEAR SIR,

Your faithful Slave,

LOVAT.

"This wrote with my Lord's own hand." [Note by Mrs Crawford.]

Beaufort, Septem^r 19, 1729.

MY DEAR MR CRAWFORD,

I HAD the honour of your letter about eight days ago, but I was so hurried with waiting on General Wade, and putting my Company in good order for a review, and with Sir Robert Munro's[1] burial, that I had not a minute's time to ansuer any letter; nay, for a fortnight's time, I was not for above two or three hours in bed of a night, so that I am almost killed with fatigue; but my comfort is, that when my company was reviewed at Inverness on Saturday last by the General, where were present with him the King's Advocate,[2] my Lord Lyon, Sir Robert Cliffton,[3] Knight of the

[1] Sir Robert was the fifth Baronet of the Family of Foulis. He married a daughter of John Forbes of Culloden, and was a zealous supporter of the Hanoverian Family. At this time, be it remarked, Lord Lovat was outwardly a fieree partizan of the reigning monarch.

[2] Duncan Forbes, Esq. afterwards Lord President.

[3] Sir Robert Clifton of Clifton (near Nottingham), was the fifth Baronet of his family. He was twiee married. By his first wife, Lady Frances Coote, he had an only daughter, and by his seeond wife, a daughter of Sir Thomas Lombe, a city alderman and knight, he had his son Gervase, the sixth Baronet. Sir Robert died in 1748. It would seem from the following Letter, which the Editor found amongst some waste papers, that before his demise he was in eonsiderable difficulties. It is addressed to Mr Bearhope, the gardener, and was probably, from the appearance of the hand, written by the second Lady Clifton.

Bath, the Governor of Inverness, and several other gentlemen of distinction. No Company ever made a more glorious appearance, both as to the bodies, men, cloathings, exercise, and fireings, so that the General congratulated me, and made me strong compliments upon the good appearance and performance of my Company. But I dear bought these compliments, for I am much out of order by my extream toil and trouble to put my Company in so good order. I have nothing now at heart but the process of my Peerage, and I do not doubt but you will do all that lies in your power to have it soon ended in my favours; and you and Mrs Crawford may be assured that I will fully and amply reward you for all your trouble; and you know that I am engaged in honour to doe all that Mr John Maule, your good friend and mine, shall determine upon that head. And though you had referred it entirely to myself, I am so vain as to think that you would be no loser, for I never in my life grudged a good reward to those that served me well. As to the condescendences of the Earl's that you are now going about, I am absolutely of your opinion, that it regards more essentially and particularly the Earl of Murray than me, and consequently in common equity, I think he should all be at the expence of those condescendences that regard immediately himself; and I cannot think that it will be amiss that you should let the Earl know it in the modestest manner, by Mr Maule or

" *October* 9, 1746.

"Mr Bearhope—I received yours last post, and I think you judge quite wright in disposing of the timber that is in the green-house. I here empower you to sell that, and every thing that is not seised in or about the house, but it must be done privately. When you have done it, send me an account of it. I desire also that what plate there is above weight you will send to me directly, as they will be glad to lay hold of all that they can. If the little sauce-pan from Wilford is wanted to make up, you may send for it; if you can save the castors and stand, I would have you buy the cruits. In one of your former letters you say Mr Johnston will assist you in buying the things I sent you a list of; so I am easy on that score. Let me know where has Mrs Chappel taken a house. I desire you will send the lace as soon as possible, which will oblige your friend,

" H. Clifton."

Another Letter was also found from Lady Clifton to Mr Bearhope, dated June 1746, in which she desires him to sell the produce of the garden to pay the labourers. After other particulars, she adds—" Sir Robert desires you'll preserve the African hens. The game and fishing, as much as possible."

Commissary Stewart. I hope to be at Edinburgh before the last day of next month, and begin my process with vigour the first day of November. I hope and expect that nothing will be wanting on your part to push it, for all that is done hitherto is little to the purpose; but if God spare me, I will put an end one way or other this winter, for it ruines my thrift every manner of way. I offer my most humble service to Mrs Crawford and to your children. I am sorry for the accident that has happened your nurse, but I hope it will have no bad effect as to your child, whom I wish to live, and be the greatest man of the family of Culbarny.[1] I bless God my children are well, and my eldest boy, I bless God, is a sprightly creature. I beg to hear from you, and let me know what you are doing, and believe me that I am with much respect and esteem,

My dear Sir,
Your most faithful slave,
Lovat.

Edinburgh, Decr 5th, 1730.

My dear Sir,

I asked your friend Mr Spruil about you this morning in the Parliament House, and he told me that you were not very well, but you intended to come in and see me. I shall be glad to see you at any time, but if you have no other business, I beg you may not put yourself to that trouble or

[1] Kilbirny in Renfrewshire. The family of Crawfurd of Cartsburn was deseended from the youngest son of Lawrence Crawfurd of Kilbirny. George Crawfurd was the youngest brother of Thomas Crawfurd of Cartsburn, and by his wife, Margaret Anderson, had four daughters—Jane, Patricia, Bethia, and Marion. Three of these ladies died unmarried—Patricia, the second daughter, died at Glasgow on the 23d of November 1795. One of them, probably the eldest daughter, married John Cuninghame, merchant in Glasgow, whose only surviving daughter became the wife of John Dillon, Esquire, Sheriff-substitute of the Lower Ward of Lanarkshire, to whose labours the public is indebted principally for the laborious abridgement of the Retours, published under authority of the Record Commission. It was through his wife that Mr Dillon obtained copies of Lord Lovat's letters to her grandfather. Mr George Crawfurd died in 1748. The son alluded to by Lord Lovat probably died young. The appellation of "heir" was evidently a sneer at Crawfurd's circumstances, as the child had little to be heir to, unless Lovat redeemed his promise of giving his father a farthing out of every penny he possessed.

expence. As to the diligences that were against you, and the debts that I paid for you, you may be very easy, for I do not design to be your heir, or put you in the Tolbooth. But, as I told you before, I must see a very good History of my Family that will please me, before I give you up any of these papers; for since I do not expect money, I must have your labour in making the history of my Family. And as for any services you have done me during my process, and that you write so much of to Mr M'Farlane,[1] since it seems you do not put full trust in my generosity, I am satisfied that you name any man you please, and I'll name another, and let them judge of services and payment. I'll submitt to their decision. I offer my humble service to your lady and bairns. I hope your son and heir is well.

I am, very sincerely,

DEAR GEORGE,

Your most obedient and most humble servant,

LOVAT.

This projected Genealogy of the Frasers was never carried into effect. In 1795 there was printed at Edinburgh—"Annals of such Patriots of the distinguished Family of Fraser, Frysell, Sim-Son, or Fitz-Simon, who have signalized themselves in the public service of Scotland, from the time of their first arrival in Britain, and appointment to the office of Thanes in the Isle of Man, until their settlement as Lords of Oliver Castle and Tweedale in the South, and Lords of Loveth in the North." 8vo. From a MS. note in a copy belonging to the Editor, it appears that the author was "Archibald Fraser of Lovat," second son of Lord Lovat, and ultimately proprietor of the estate, by the death of his brother Simon without issue. It is not improbable that this work was compiled from Crawford's papers.

[1] Probably Walter Macfarlane of that Ilk, the Antiquary.

LETTER

FROM

AN ENGLISH TRAVELLER AT ROME

TO

HIS FATHER,

OF THE 6TH OF MAY 1721 O. S.

PRINTED IN THE YEAR 1721



On the 10th day of June 1688, the birth of a son gratified the desires of the Roman Catholic supporters of James II., and depressed the hopes of their opponents; but the event, generally deemed most likely to perpetuate the power of the King, accelerated his fall, by causing those, who might have tolerated his rule, in the expectation that his death would remedy the evils of which they complained, to combine in dethroning him, when they saw the certainty that his Crown would devolve on a Roman Catholic successor.

At a later period, when the death of the Duke of Gloucester opened the succession to a remote branch, there seems no doubt that Queen Anne would have willingly recognized the claims of her brother; but the uncompromising disposition of her father in matters of faith, by bringing up his son in that form of religion he professed himself, created obstacles which it was almost impossible to overcome, and which would never have arisen, if the inflexible monarch had permitted the Prince to have been educated in that faith, which in England was alone recognised as the national one.

James Francis Edward, Prince of Wales, commonly called the *Old Pretender*, is thus described, when between twelve and thirteen years of age, in a scarce little book, entitled—"A View of Paris and Places Adjoining, with an Account of the Court of France, and of the late King James," &c. Lond. 12mo. 1701:—"The next day I saw the pretended Prince of Wales, who is a handsome sprightly youth. He performs all his exercises to perfection, and is one of the best marksmen in France. He delights so much in shooting, that when he is abroad he will make shift with any sort of victuals, and eat on the grass without linen, perhaps on a sheet of white paper. He bears fatigue so well that he tires all his attendants with walking. He is not like the late King, but very much resembles the Queen; the young Princess his sister is inferior to him in beauty. King James is very much decayed, and always seems to force a smile." P. 65. His ex-Majesty did not survive many months after this, as he died at St Germains in 1701.

After his demise, the Prince assumed the title and style of James III., and the fruitless attempt to recover his dominions in 1715, produced

incalculable injury to his cause, by the confiscation, outlawry, and death of a number of his most powerful adherents.

If the following Proclamation be genuine, it is very odd that the most bitter enemies of the Stuarts, the Camcronians, who complain of having suffered so much at their hands for ultra-Presbyterian zeal, should be addressed as converts to the cause of a Roman Catholic Prince, and ready to support "by force of arms" his pretensions to the throne of Scotland.

"James, by the Grace of God King of Scotland, England, France, and Ireland, Defender of the Faith, &c., to all and sundry whom these presents may in any ways concern, greeting:—Whereas we are certainly informed, that it hath pleased Almighty God so to touch the hearts of many of our people in Scotland, commonly called Cameronians, with a sense of their duty to us and their native country, that they are ready to join in any undertaking, which shall tend by force of arms to restore us to the throne of our ancestors, and our kingdom of Scotland to its ancient, free, and independent state: Therefore, that nothing reasonable may be wanting on our part, to encourage them in the performance of a design so laudable, and so worthy of Scotsmen, we hereby renew the promises we have already made in our former Declaration, in relation to the unhappy Union of our two kingdoms, which we thereby declared void and null from the beginning: And we farther promise, that it shall always be our care to protect such of our people, commonly called Cameronians, as shall prove dutiful and loyal subjects to us, from all hardships and oppressions. Given at our Court of Bologne this thirty-first day of October, in the eighteenth year of our Reign, 1718. By his Majesty's command,

"Mar."

The Prince married, in the year 1719, Clementina Maria, daughter of Prince James Sobieski and Edwige Elizabeth Amilia, of the House of Newbourgh, and grand-daughter of John Sobieski, King of Poland. The lady was born on the 17th July 1702, and is represented to have been "happy in all the charms of mind and body that her sex can boast of."[1] This alliance was brought about by the Chevalier Charles Wogan, an Irish gentleman,[2] who was enabled, after various singular and romantic adventures, to bring the Princess to Bologna, where she was married by proxy to the Prince, the Marquis de Monti-Boulorois acting for his Royal Highness. She thereupon set out for Rome, which city she reached without further obstacle.

It was during the residence of the royal pair at that city, that the letter was written which forms the ensuing article, and as so little is known of the personal appearance and habits of the Prince and Princess, it is well worthy of preservation, although coming from the pen of a Jacobite, for the disguise is too thin not to be discovered. It was privately printed and circulated, probably amongst the friends of the "King over the water," or amongst those who it was expected might aid his cause.

[1] Female Fortitude Exemplified, in an Impartial Narrative of the Seizure, Escape, and Marriage of the Princess Clemetine Sobiesky, &c. London, 1722, 8vo. p. 3.

[2] There is a very interesting letter by Dean Swift to this gentleman in 1731, acknowledging receipt of a present of Spanish wine and other articles.

Of this marriage there were two sons, both born at Rome — Charles James Edward Sylvester, Prince of Wales,[1] commonly called the *Young Pretender*, and Henry Benedict Maria Clement, styled Duke of York, but afterwards better known as Cardinal York.[2] The following epistle, addressed by his father in relation to the birth of the latter is interesting.

"*Rome, April* 13, 1725.

"Your compliments to me on the Duke's birth are, I am sure, too sincere not to have been most acceptable to me. I thank God he is in very good health, as well as the Queen, who writes to yourself. I was extremely pleased to hear of Keith's recovery, as I shall be with whatever may tend to the welfare of a family so sincerely attached to me, and for whom I have so particular a value.

"James R."

"For the Countess Dowager Marischall of Scotland."[3]

The marriage was not a very happy one, for the Lady not long after the birth of her second son, thought proper to retire to a nunnery. From a pamphlet entitled—"The Memoriall of the Chevalier de St George,"[4] it appears that there had been family dissensions which, although ascribed to his enemies, were in all probability brought about by those he called friends, and not being a very strong-minded person, his Royal Highness—for though an unsuccessful pretender to the Crown of Great Britain he is surely entitled to be so styled—seems to have allowed himself to be too much influenced by the intrigues of his petty Court. The Princess entertained a great dislike to Hay, the titular Earl of Inverness, and his Countess, both of whom she imagined put mischief into her husband's head; and the refusal to dismiss the former from his councils, was one of the reasons assigned, for her estranging herself from her husband and family. She died in 1735.

The Prince survived the second attempt to seat him on the throne of his ancestors, twenty-two years. The following notices of his illness and death, are extracted from a newspaper of the time:—

"*Rome, May* 10, 1765.—Yesterday the Cardinal Vicar ordered the Collect *Pro Rege Morti Proximo*, to be repeated in all the Masses, the physicians having declared their belief that the Chevalier de St George would die that day; but contrary to the opinion of the gentlemen of the Faculty, he is still alive, though seemingly at the last gasp. When his Holiness visited him about a fortnight ago, he prayed that the pension of 12,000 crowns, which he has long enjoyed, might be continued to his son the Cardinal, which request the Pope immediately granted him. He has appointed the Cardinals Spinelli and Valenti his executors, and has left all his estate, which is supposed little or nothing, to his eldest son, who many think is nobody, and his jewels to his son the Cardinal."

"*Rome, January* 8, 1766.—The Chevalier de St George, who has resided near fifty years in this capital, and for near six years has been confined by illness to his apartments, died in the night between the first and second of this month, aged seventy-seven years, six months, and twenty days.

[1] He was born at Rome 31st December, new style, and 20th December, old style, 1720. Stewart's Account of the Family of Stewart. Edin. 1739, 4to. p. 98.

[2] He was born 21st March 1725, and died at Rome in 1807, in the 83d year of his age

[3] Mary, daughter of James Drummond, Earl of Perth.

[4] Edinburgh, 1726, 12mo.

His remains, after lying in state for five days, were carried on the sixth, to the church of the Holy Apostles, and yesterday, the funeral ceremony was performed in the presence of the Sacred College. Cardinal Albani officiated in his pontificalia at the *Requiem*, which was performed by the musicians from the Apostolic Palace. The Pope intended to have assisted, but was prevented by the coldness of the weather. In the afternoon the remains were carried to St Peter's, attended by most of the religious communities; and this morning the obsequies were again performed, and the body deposited in a vault, where it is to continue till the intended place of interment is ready."

After the death of his father, Prince Charles Edward apparently laid aside all intention of risking a third cast of the die for the British diadem. Indeed his habits, which were probably engendered by misfortune and distress, were lamentable, and the female influence to which he submitted, was such as to create an insuperable objection in his adherents, to hazard their lives and fortunes in his cause. His favourite mistress was in the pay of the English Court, and although warned of the fact, he preferred breaking with his friends to giving up his Delilah. The following account of the Prince in his latter days is given by Swinburne:—"We went to the Opera, where, for the first time, I beheld the poor unhappy representative of the Stuart race in the Comte d'Albanie. He goes regularly to the theatre, and always falls asleep in the corner of his box at the end of the first Act, being generally intoxicated. His face is red, and his eyes are fiery, otherwise he is not an ill-looking man. The Countess is not handsome, being black and sallow, with a pug nose.[1] She always wears a hat. Alfieri, the Piedmontese, is a constant attendant in her box, with her *Dame de Compagnie*, Madame Malgan." May 15, 1779.[2]

A few days afterwards, Swinburne again saw the Prince at the Opera, and had personal cognizance of his intemperance. "On coming out of the Opera we passed close to the Pretender, who was carried away at the end of the performance, being half asleep, and completely intoxicated, which is his invariable custom every night. Such is the force of habit. I drew my wife's attention to this undeserving object of all her Jacobitical adoration."

Prince Charles Edward married the Princess of Stolberg, but they had no issue. By Maria Matilda Walkinshaw, on whom he conferred the title of Countess of Albany,[3] he had a natural daughter, afterwards legitimated by him, and created Duchess of Albany. She was not acknowledged until a short time before his demise. In the Edinburgh Advertiser, 1st October 1784, there occurs the following notice relative to her recognition:—

"It was imagined that on the death of the Pretender and his brother, the

[1] There is a curious print of this Prineess, which corroborates the assertion as to the snub nose. She otherwise seems a plump nice looking woman. It was "published as the Act directs, August 1773, by J. P. Coghlan, in Duke Street, Grosvenor Square, price 2s. 6d."

[2] Swinburne's Courts of Europe, vol. i. p. 253. London, 1841, 8vo.

[3] She died at Rome, October 3, 1797. Gentlemen's Magazine, August 1807. Her sister Catherine was in the service of Frederick Prince of Wales, and held the appointment of housekeeper at Leicester House for many years. She died at her house in Little Maddox Street, Hanover Square, on the 11th of November 1794.

race of Stuart would have become extinct; but it seems now in a fair way of being continued by a lady, whom the old Chevalier has lately declared to be his legitimate daughter. The following are the particulars which we received by the last mail :—

"Lady Charlotte, now Duchess of Albany, is a daughter of the Pretender by a Scots lady of great quality. Her father had hitherto neglected her, and she lived in the convent of St Mary, on a pension of sixty thousand livres granted her by the Cardinal of York, her uncle. She was not a little surprised, a month ago, to receive from Florence a packet containing a letter from her father, in which she was invited to attend him in his old age; and with the letter, documents to ascertain her birth, legitimacy, title of Duchess, and her being appointed, by will, heiress to all his possessions in France, exempted from the *droit d'Aubaine* by a dispensation of the Parliament of Paris. These possessions, with his personal property, amount to about two millions of livres, so that the recently recognised Duchess, will not be in want of property to support her rank. It is remarkable that in the letters the Pretender wrote to the Count de Vergennes, to secure the inheritance of his daughter, he does not demand of the King of France the title of Duchess, &c., but does those acts of his own authority, and only asks his Majesty's ratification, which has been accordingly granted."[1]

The Prince survived this acknowledgment of his daughter upwards of three years. He died at Rome on the 31st day of January 1788, aged sixty-seven years and two months. By his demise, the representation of the Royal Family of Stuart, devolved on his brother the Cardinal; and on his death in 1807, the King of Sardinia, as the nearest descendant of the body of Henrietta Maria, the daughter of Charles I., became heir-of-line of that monarch.

The widow, the Princess of Stolberg, became the mistress of Alfieri, and assumed the title of Countess of Albany. She enjoyed an annuity from the Cardinal York of L.800 per annum, and after his death, George III. is said to have given her a pension of L.2000 from the Civil List. Other accounts mention that the Cardinal's allowance was merely doubled. Many errors have arisen by mistaking her for Maria Walkinshaw, or for her daughter the Duchess. Probably the most amusing blunder relative to her, was that of an English Nobleman, who having been presented with her card, exclaimed—"The Countess of Albany!—ah!—true—I remember. Wasn't she the widow of Charles the Second, who married Ariosto?" Although the peculiar position of the Princess with Alfieri was well known in Florence, an invitation to her "Conversaziones" was much coveted.

Alfieri died on the 8th of October 1808, in his house at Florence, attended to the last by the Countess, who caused a splendid monument to be erected to his memory by Canova, which was completed in 1810, and exhibited to the public. The Countess survived him sixteen years, and died in 1824.

If the following story may be credited, the Prince was father also of an illegitimate son.—"In the year 1752, a certain lady in the neighbourhood

[1] See "Genealogical Memoirs of the Royal House of France," by Barre Lord Ashburton, London, 1825, folio, p. 166. This valuable work was privately printed.

of Sidan, on the Duke of Boulogne's estate, bore a son to the young Chevalier St George. In the year 1754, Lady P— took the charge of this boy, carried him to England, and gave him a proper education. He entered aboard the English Navy in 1767, where he served as midshipman under the name of Douglas. He was aboard the Grand Fleet in 1778 in that station. That autumn he went over to France under the protection of the Duke de Boulogne (Duke Fitz-James). He got a commission as a lieutenant in the French Navy, and now commands a ship of the line in the West Indies, where he engaged the Canada, Captain Cornwallis, in the late action under Sir Samuel Hood, where the Chevalier was obliged to retreat."

During the excesses of the French Revolutionists, consequent upon their invasion of Italy, the last male descendant of James II. suffered great privations. The amiable monarch George III. no sooner was apprised of his necessities, than he instantly gave orders for relieving them, and munificently furnished the Cardinal with ample means.[1]

In the Monthly Magazine for June 1800, there is an interesting biography of the Cardinal, which concludes as follows—" The Cardinal Duke is now 76 years old. He has not lost the elegant figure and the prepossessing look, for which he was always distinguished in his youth. He has likewise preserved his taciturnity, and dislike for society. Although he is humane, polite, and affable towards people of every description, and extremely exact in the performance of every formality and etiquette in civil ceremonies and visits, he has never been seen in any friendly society, nor has his house ever been opened to—what the Italians are fond of—large *converzationi*. Truth obliges us likewise to state, that he has carried this turn of mind to self-insulation, bordering on misanthropy. When he rode in his carriage through the streets of Rome, he was constantly reading some papers or pamphlets, in order to avoid the view of the people, and of course the necessity of returning salutes; whenever travelling, he has always wanted to fly in such a manner, as to deter postilions from venturing in his service; and in Frascati he was, notwithstanding his eminent virtues and generosity, little beloved by the inhabitants, only because he was too much addicted to a retired life, and was desirous to forbid every public diversion, that might give rise to a clamorous merriment among the people."

[1] See Letters from the Cardinal Borgia and the Cardinal York, MDCCXCIX.-MDCCC, 4to. Privately printed.

LETTER

FROM

AN ENGLISH TRAVELLER AT ROME

TO

HIS FATHER.

Sir,

I HAVE, by my former letters, given you a particular account of my travels to the time of my departure from Venice. On the 28th of March the Honourable Mr —— and I arrived here; and the Pope's death gave us an opportunity to see all those ceremonies which are used on such solemn occasions. I have been careful in observing them, and have digested them into method, in order to entertain such of my friends as I shall find curious on return from my travels. I have also taken some pains to be exact in my accounts of the curiosities with which this city abounds, and I hope I shall have time enough to complete my observations; for since the time of the new Pontiff's coronation is so near at hand,[1] I am resolved to embrace the opportunity of observing whatever may be remarkable in that solemnity.

After my arrival here, I received your letter of the 15th of February, by which you reminded me of your commands at my departure, to avoid conversing with the Pretender, or any of his dependents. I must own, that notwithstanding my inbred dislike to his pretensions, and my confirmed aversion for his profession, I often found my curiosity inclining me to be so far acquainted with his person and character, that I might be able to say, from my own knowledge, what sort of man he is who has made, and daily makes, so great a noise in England. And I have sometimes fancied that you yourself, Sir, would not be satisfied with

[1] Clement XI., elevated to the Papal Tiara in 1721, after the death of Innocent XII.

me if, after staying so long in Rome, I were not able to give you a particular account of him. However, my regard to your special commands was always an overbalance to my curiosity, until perfect chance ordained the contrary. I beg leave to assure you that this is literally true; and lest you should receive misinformation on this point from any other hand, I choose to give you a particular account how it happened, and shall lay nothing before you in the relation but undisguised truth.

About a month ago, Mr —— and I being in search of some of the antiquities of the place, we became acquainted with an English gentleman very knowing in this kind of learning, who proved of great use to us. His name is Dr Cooper, a priest of the Church of England, whom we did not suspect to be of the Pretender's retinue, but took him to be a curious traveller, which opinion created in me a great liking for his conversation. On Easter Eve he made us the compliment, that as he supposed us bred in the profession of the said Church, he thought it incumbent on him to invite us to Divine Service next day[1] (being Easter Sunday). Such language at Rome appeared to me a jest; I stared at the Doctor, who added, that the Pretender (whom he called King) had prevailed with the late Pope to grant licence for having Divine Service, according to the rules of the Church of England, performed in his Palace, for the benefit of the Protestant gentlemen of his suite, his domestics, and travellers; and that one Mr Berkely and himself were appointed for the discharge of this duty, and that prayers were read as orderly here as at London. I should have remained of St Thomas' belief had I not a witness that this was matter of fact, and as such have noted it down amongst the greatest wonders of Rome. This was the occasion of my first entrance into the Pretender's house. I became familiar with both the Doctors, who are sensible well-bred men.

[1] The Prince usually had, whether for show or use is uncertain, a chaplain in Church of England Orders with him, and this appointment was kept up by his son. Thus, on the 3d of December 1770, the death of the Reverend gentleman who then had the situation, is thus recorded in the Scots Magazine: —"At Rome, the Rev. Thomas Wagstaffe, a clergyman of the Church of England, who had resided there many years in the character of Protestant chaplain to the late Chevalier de St George, and afterwards to his son."—Vol. xxxiii. p. 53.

I put several questions to them about the Pretender, and if credit can be given to them, they assure me he is an upright moral man, very far from any sort of bigotry, and most averse to disputes and distinctions of religion, whereof not a word is admitted in his family. They described him in his person very much to the resemblance of King Charles II., to which, they say, he approached more and more every day, with a great application to business, and a head well turned that way, having only some clerks, to whom he dictates such letters as he does not write with his own hand.

In some days after, my friend and I went to take the evening air in the park called Villa Ludovici; there we met on a sudden face to face with the Pretender, his Princess, and Court. We were so very close before we understood who they were, that we could not retreat with decency; common civility obliged us to stand sideways on the alley as others did, to let them pass by.

The Pretender was easily distinguished by his star and garter, as well as by an air of greatness, which discovered a majesty superior to the rest. I felt in that instant of his approach a strange convulsion in body and mind, such as I never was sensible of before; whether aversion, awe, or respect occasioned it, I cannot tell. I remarked his eyes fixed upon me, which stunned me; and, not aware of myself when pursuant to what the standers-by did, I made him a salute. He returned it with a smile, which changed the sedateness of his first aspect into a very graceful countenance. As he passed by, I observed him to be a well-fixed, clean-limbed man.

I had but one glimpse of the Princess, which left me a great desire of seeing her again; however, my friend and I turned off into another alley, to reason at leisure on our several observations. There we met Dr Cooper, and after making some turns with him, the same company came again in our way. I was grown somewhat bolder, and resolved to let them pass as before, in order to take a full view of the Princess. She is of a middling stature, well shaped, and has lovely features; wit, vivacity, and mildness of temper are painted in her looks. When they came up to us, the

[1] The following account of the Princess is taken from part of a letter prefixed to a very rare and curious "Account of the Funeral Ceremonies

Pretender stood, and spoke a word to the Doctor, then looking to us, he asked if we were English gentlemen. He asked us how long we had been in town, and whether we had any acquaintance in it; then told us he had a house where English gentlemen would be very welcome. The Princess, who stood by addressing herself to the Doctor in the prettiest English I think I ever heard, said—"Pray, Doctor, if these gentlemen be lovers of music, invite them to my concert to-night; I charge you with it;"—which she accompanied with a salute and a smile in the most gracious manner.

It was a very hard task, Sir, to recede from the honour of an invitation given by a Princess, who, although married to the Pretender, deserves so much respect in regard to her person, her name, and family. However, we argued the case with the Doctor, and represented the strict orders we had to the contrary. He replied, there could be no prohibition to a traveller against music, even at the ceremonies of the Roman Catholic Church—that if we missed this occasion of seeing the assembly of the Roman Nobility, we might not recover it whilst we stayed in Rome—and that it became persons of our age and degree to act always the part of gentlemen, without regard to party humours.

These arguments were more forcible than ours, so we

performed at Rome" in her honour, printed in the year 1735, apparently for private circulation.—"Her life was one continued scene of virtue, and the only material error she ever committed (and which was entirely owing to arts industriously employed to mislead and inflame her natural vivacity of temper), proved in its consequence an additional beauty to her character; for even those that justly blamed that hasty part of her conduct, agreed she did more than atone for it by such a repentance as she frequently expressed in the most moving terms, and her whole behaviour, from the day of the reconciliation to the day of her death, was a continual proof of the sorrowful sense she had of that fault to a husband who never could be justly charged with one toward her, even upon that unhappy occasion.

"She had a most agreeable person, and an affability that engaged all that approached her. Her charity was extensive to a wonder, considering the narrow bounds within which her misfortunes had limited her power; and her gifts were given with a grace that added to their value. Her piety was constant, sincere, and unaffected, and her behaviour in her last moments easy, courageous, and resigned. Her life was attended with that respect and affection which virtue, *in spite* of *envy*, must always command, and her death consequently with equal sorrow and regret."

went and saw a bright assembly of the prime Roman Nobility. The concert was composed of the best musicians of Rome ; a plentiful and orderly collation was served. But the courteous and affable manner of reception was more taking than all the rest. We had a general invitation given us whilst we stayed in town, and were desired to use that palace as our own.

Hence we were indispensibly obliged to make a visit next day, in order to return thanks for so many civilities received ; those are things due to a Turk.

We were admitted without ceremony ; the Pretender entertained us on the subject of our families as knowingly, as if he had been all his life in England. He told me some passages of my grandfather's death, and of his being a constant follower of King Charles I. and II., and added, that—" If you, Sir, had been of age before your grandfather's death, to learn his principles, there had been little danger of your taking party against the rights of a Stuart." He then observed how far the prejudices of education, and wrong notions of infancy, are apt to carry people from the paths of their ancestors. He discoursed as pertinent on several of our neighbouring families as I could do ; upon which I told him I was surprised at his so perfect knowledge of our families in England. His answer was, that from his infancy he had made it his business to acquire the knowledge of the laws, customs, and families of his country, so as he might not be reputed a stranger when the Almighty pleased to call him thither.

These and the like discourses held until word was brought that dinner was served. We endeavoured all we could to withdraw, but there was no possibility for it after he had made us this compliment:—" I assure you, Gentlemen, I shall never be for constraining any man's inclinations ; however, our grandfathers, who were worthy people, dined often together, and I hope there can be no fault found that we do the same."

There is every day a regular table of ten or twelve covers, well served, unto which some of the qualified persons of his Court or travellers are invited. It is supplied with English and French cookery, French and Italian wines; but I took notice that the Pretender ate only of the English dishes,

and made his dinner of roast beef and what we call Devonshire pye.[1] He also prefers our March beer,[2] which he has from Leghorn, to the best wines. At the dessert he drinks his glass of champaigne very heartily, and to do him justice he is as free and cheerful at his table as any man I know. He spoke much in favour of our English ladies, and said he was persuaded he had not many enemies amongst them; then he craved a health to them. The Princess, with a smiling countenance, took up the matter and said—"I think then, Sir, it would be but just that I drink to the cavaliers." Sometime after the Pretender began a health to the prosperity of all friends in England, which he addressed to me. I took the freedom to reply, that as I presumed he meant his own friends, he would not take it ill that I meant mine. "I assure you, Sir," said he, "that the friends you mean can have no great share of prosperity till they become mine, and therefore here's prosperity to yours and mine."

After we had ate and drank very heartily, the Princess

[1] Devonshire was celebrated for its culinary delicacies. In the "Queen's Closet Opened," London, 1662, 12mo. is this receipe for a Devonshire white pot.—"Take a pint of cream, and strain four eggs into it, and put a little salt, and a little sliced nutmeg, and season it with sugar, somewhat sweet, then take almost a penny loaf of fine bread, sliced very thin, and put it into a dish that will hold it, the cream and the eggs being put to it; then take a handful of raisins of the sun, being boiled, and a little sweet butter to bake it." The Prince's favourite dish the "Squab," a Devonshire pie, was not nearly so delicate. It was thus prepared—"Put at the bottom of a baking dish a layer of apples, strew them with sugar; then a layer of onions, with corresponding suet; next a layer of mutton-chops, with pepper and salt, then apples, the onions, then chops, till the dish be filled."

[2] "Now, for the brewing of the best March beere, you shall allow to a hogshead thereof a quarter of the best malt well ground, then you shall take a pecke of pease, half a pecke of wheate, and halfe a pecke of oates, and grind them all very well together, and then mix them with your malt; which done, you shall in all points brew this beere as you did the former, or dinary beere, onely you shall allow a pound and a halfe of hops to this one hogshead; and whereas, before you drew out two sorts of beere, so now you shall draw three, that is, a hogshead of the best, and a hogshead of the second, and halfe a hogshead of small beere, without any augmentation of hops or malt. This March beere would be brewed in the moneths of March or April, and should, if it have right, lie a whole yeere to season; it will last two, three, and foure yeeres, if it lie coole and close, and indure then dropping to the last drop, though with never so much leasure." The English Housewife, by Gervase Markham, London 1615, p. 123, 4to.

told us we must go and see her son, which could not be refused. He is really a fine promising child, and is attended by English women, mostly Protestants, which the Princess observed to us, saying, that as she believed he was to live and die amongst Protestants, she thought fit to have him bred up by their hands; and that in the country where she was born, there was no other distinction but that of honest and dishonest. These women, and particularly two Londoners, kept such a racket about us, to make us kiss the young Pretender's hand, that, to get clear of them as soon as we could, we were forced to comply. The Princess laughed very heartily, and told us she did not question but the day would come that we should not be sorry to have made so early an acquaintance with her son. I thought myself under a necessity of making her the compliment, that being hers he could not miss being good and happy.

On the next post-day we went, as commonly the English gentlemen here do, to the Pretender's house for news. He had received a great many letters, and after perusing them, he told us that there was no great prospect of amendment in the affairs of England; that the secret committee and several other honest men were taking abundance of pains to find out the cause of the nation's distraction; which knowledge, when attained, would avail only to give the more concern to the public, without procuring relief, for that the authors would find means to be above the reach of the common course of justice. He bemoaned the misfortune of England groaning under a load of debts, and the severest hardships contracted and imposed to support foreign interest. He lamented the ill treatment and disregard of the ancient Nobility, and said it gave him great trouble to see the interest of the nation abandoned to the direction of a new set of people, who must at any rate enrich themselves by the spoil of their country. "Some may imagine," continued he, "that these calamities are not displeasing to me, because they may in some measure turn to my advantage. I renounce all such unworthy thoughts. The love of my country is the first principle of my worldly wishes; and my heart bleeds to see so brave and honest a people distressed and misled by a few wicked men, and plunged into miseries almost irretrievable." Thereupon he rose briskly

from his chair, and expressed his concern with fire in his eyes.

I could not disavow much of what he said, yet I own I was piqued at it, for very often compassionate terms from the mouth of an adverse party are grating. It appeared so to me on this occasion; therefore I replied—"It is true, Sir, that our affairs in England lie at present under many hardships, by the South Sea mismanagements; but it is a constant maxim with us Protestants, to undergo a great deal for the security of our religion, which we could not depend upon under a Romish government." "I know, Sir," replied he, "this is the argument some, who have perhaps but a very slight share of religion, do make use of, in order to delude the honest well-meaning people, who have most of it. I assure you these latter and I should agree very well, and be happy together." Then addressing himself to an old English gentleman of the company, he said,—"I have been told by several of the most eminent Prelates of the Church of Rome, particularly my friend the late Archbishop of Cambray [Fenelon], that it should never be my business to study how to be an apostle, but how to become a good King to all my people, without distinction, which shall be found true if ever it please God to restore me. I have given my word in my Declaration, to refer the securities requisite in such points to the persons themselves that are most concerned therein; and I have never given any person reason to doubt but I will maintain my promises to the full. I can with boldness say, that none can with justice reproach me with failing in the least point of honour, which and always shall be dearer to me than my crown, or my very life."

It was urged to him, that the Roman Catholic clergy, the Jesuits, and Friars, are accused of being apt to start disputes to come by their end, and of a dangerous encroaching temper. He answered, he had sufficient warnings before him, from the troubles in which his father had been involved by faithless and evil counsellors—that he was entirely of opinion that all clergymen not authorised by the States of a nation ought to be confined to the bare duties of their profession—and that if any of them should be found intermeddling with public concerns, or creating disputes, to the prejudice of the good understanding that ought to be

cherished between the King and his subjects, it was his opinion they ought to be removed out of the way of doing mischief. He averred this should constantly be his maxim.

I thought it full time to take leave, and break off the conversation, as I perceive it is to finish this long letter. I own I am not sorry to have contented so far my curiosity, and that, were he not the Pretender, I should like the man very well. We should truly pass much of our time in dulness, had we not the diversions of his house, but I give you my word, I will enter no more upon arguments of this kind with him, for he has too much wit and learning for me; besides that he speaks with such an air of sincerity, that I am apprehensive I should become half a Jacobite, if I continued following these discourses any longer.

I crave the favour of your blessing, and remain, with all dutiful respect, &c.

As a suitable appendix to the preceding account of the old Prince, the following narrative of an interview with his son, extracted from the second volume of "Letters from Italy by a Lady," [Mrs Millar], London, 1776, p. 194, will probably be deemed interesting:—

"We passed part of the evening at the Duchess of Bracciano's. As we were there early, before much company was arrived, she was so obliging as to enter into a particular conversation with me. We were seated on a sofa, when one of the gentlemen in waiting entered and announced, *Il Re*. As there were many rooms to pass before this personage could appear, she seized that opportunity to desire me upon no account to speak to or take the least notice of him, as it was not only what she insisted upon in her house, but that it was the Pope's desire that no stranger, particularly English, should hold any conversation with him. I assured her my principles were diametrically opposite to those of the Stuart Family and their party, adding more of the like sort; but I concluded with saying, that if he spoke to me, I could not, as a gentlewoman, refrain from answering him, considering him only in the light of a gentleman, and should treat him, as I would do any other foreigner or native, with that general civility requisite on such occasions. She still insisted upon my not answering should he speak to me, with which I refused to comply. I think I was right. My reasons were these: I knew before that no gentlemen of the British Empire make themselves known to him, but on the contrary avoid it, except such as declare themselves disaffected to the present Royal Family; at least, so it is understood at Rome. I had also heard that he politely avoided embarrassing them by throwing himself in their way; but as I am not a man, it struck me as very ridiculous for me, a woman, not to reply to the Pretender, if he spoke to me, as such a caution would bear the appearance of passing myself for being of political consequence. Added to these considerations I had great curiosity to see him, and hear him speak. But to return: he entered, and bowing very politely to the company,

advanced to the individual sofa on which I was placed with the Duchess of Bracciano, and seated himself by me, having previously made me a particular bow, which I returned with a low curtsey. He endeavoured to enter into a conversation with me, which he effected by addressing himself equally to the Duchess, another lady, and myself; at last he addressed me in particular, and asked me how many days since my arrival at Rome, how long I should stay, and several such questions. This conversation passed in French. What distressed me was how to style him. I had but a moment for reflection. It struck me that *mon Prince*, though the common appellation (as in France) to every stranger whose rank as a prince is the most dubious, would not come well from me, as it might admit of a double sense in an uncandid mind. Highness was equally improper, so I hit upon what I thought a middle course, and called him *Monseigneur*. I wished to shorten the conversation, for all on a sudden he said—"Speak English, madam." Before I could reply, the Duchess of Monte Libretti came up, and pulled me by the sleeve. I went with her to a card table at which she was going to play. I declined playing, not being perfect in the games; besides you know I hate cards. At my departure I took leave of the Duchess of Bracciano, agreeable to the custom; and the Chevalier, who played at her table, officiously civil, rose up, and wished me a good night. He is naturally above the middle size, but stoops excessively. He appears bloated and red in the face, his countenance heavy and sleepy, which is attributed to his having given into excess of drinking; but when a young man he must have been esteemed handsome. His complexion is of the fair tint, his eyes blue, his hair light brown, and the contour of his face a long oval. He is by no means thin, has a noble presence, and a graceful manner. His dress was scarlet, laced with a broad gold lace. He wears the blue ribband outside of his coat, from which depends a *cameo* (antique,) as large as the palm of my hand; and wears the same Garter and motto as those of the Noble Order of St George in England. Upon the whole he has a melancholike mortified appearance. Two gentlemen constantly attend him. They are of Irish extraction, and Roman Catholics you may be sure.

"This evening, after quitting the Cardinal's, we were at the Princess Palestrine's conversazione, where he was also. He addressed me as politely as the evening before. The Princess desired me to sit by her. She played with him. He asked me if I understood the game of Tarocchi, which they were about to play at. I answered in the negative, upon which, taking the pack in his hands, he desired to know if I had ever seen such odd cards. I replied, that they were very odd indeed. He then, displaying them, said—'Here is every thing in the world to be found in these cards, the sun, the moon, the stars; and here' says he, shewing me a card, 'is the Pope, here is the Devil; and added—there is but one of the *Trio* wanting, and you know who that should be.' I was so amazed, so astonished, though he spoke this last in a laughing, good-humoured manner, that I did not know which way to look; and as to a reply, I made none, but avoided cultivating conversation as much as possible, lest he should give our conversation a political turn. What passed afterwards was relative to some of the English manners and amusements; such as, whether whist was in fashion at London, the Assemblies numerous, &c. I was heartily glad when my visit was finished."

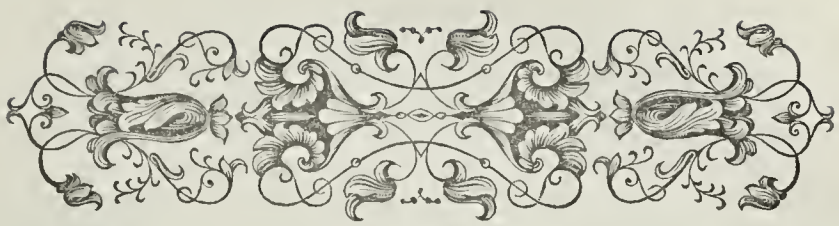
SOME ACCOUNT

OF THE

NATURE AND CONSTITUTION

OF THE

ANCIENT CHURCH OF SCOTLAND.



The MS. from which this Historical Sketch of the introduction and progress of the Church in Scotland, has been printed, is contained in a letter signed A. B., preserved in the Library of the Faculty of Advocates, Edinburgh, and is represented in the Catalogue of Manuscripts to have been written about the year 1700. This assertion is evidently founded in error, as the author refers to a work printed in 1729, viz. "An Enquiry as to the Ancient Inhabitants of Scotland, by Thomas Innes, A.M." Judging from the appearance of the hand, it may be safely assumed that the work was written between the years 1730 and 1740.

Whoever the author may have been, he has evinced both research and acuteness in his observations, and it is worthy of notice that, unlike his countrymen of that period, he has discarded many of those fables with which the early history of Scotland has been disfigured by the zealous advocates for the antiquity of the nation, and the existence of its imaginary monarchs.

With the view of not burdening the text with foot notes, the Editor may take this opportunity of making one or two remarks. Thus in treating of the great benefits resulting from the labours of the pious Columba, the writer waives the question of the place of his birth—evidently reluctant to admit the fact that the Saint was an Irishman. What follows will, it is presumed, leave no doubt on the point. "Hic anno secundo post *Culedreibhne* bellum, ætatis vero suæ quadragesimo secundo de Scotia ad Britanniam, pro Christo peregrinari volens, enavigavit."[1] See also "O'Connor's Ancient Irish Historians," vol. ii. p. 144, printed at the expense of the late Duke of Buckingham. The Annals of Tigernach, vol. ii. p. 130, declare that Columba was born in A.D. 520; and p. 143, that he landed from Ireland at Iona in the forty-second year of his age.

Beda says that in the year 565—"venit *de Hibernia* Presbyter et Abbas, habitu et vita monachi insignis nomine Columba." His death is thus recorded in the Tigernach Annals:—"A.D. 596 Quies Columbæ-Cille in nocte Dominicæ Pentecostes, v. Idus Junii, anno peregrinationis suæ xxxv, ætatis vero lxxvii. Triginta annis fuit sine controversia—Columba in sua lugubri Ecclesia—Transivit ad Angelos e corpore suo—post 7m annos et 70." Fol. 159. It is probably unnecessary to mention that Ireland was originally called Scotia, and in all probability the emigration of the Irish, or Scots, into the western parts of this country was the cause of the transfer of the name.

[1] Pinkerton. Vitæ Sanctorum, f. 38.

At the time the Letter now printed was written, and for very long afterwards, there had been a remarkable misapprehension on an important point of Scottish history, namely, the legitimacy of Robert III.[1] Buchanan misstated the fact, and he has been followed by those persons who felt disposed to dispute the right of hereditary succession. It is not surprising, therefore, that our author should, amidst conflicting authorities, have hesitated to form an opinion of his own. It was contended, although Robert II. had a family by Elizabeth Mure, afterwards his Queen, yet as he did not marry her till after the decease of Euphemia Ross, assumed to be his first wife, that the issue were illegitimate, seeing that a *mid* impediment—namely, the marriage with Euphemia Ross—prevented his subsequent marriage with their mother from rendering them legitimate.[2]

The discovery of the Papal Dispensation, in the records of the Vatican, by the late Andrew Stuart, has now set the question at rest, and fixed, that although the three sons of Elizabeth Mure were born before marriage, she was the *first* wife of Robert II., and in this way the children would, in the ordinary case, be legitimated *per subsequens matrimonium*. The real doubt, therefore, did not arise from the cause assigned by Buchanan and his followers, but was occasioned by this—the contracting parties were related within the third and fourth degrees of affinity, and the fourth of consanguinity. Thus, there was a *legal* incapacity at the time the children were born, which might have the effect of preventing the Dispensation operating *retro*. No doubt the Papal authority was sufficient to validate the marriage, but whether it could legitimize the children, touched at their birth by a legal incapacity, was a different and more serious question, and a difficulty that could only be obviated by the pleas of *ignorantia* and *bona fides*. It was perhaps to exclude all discussion on the point, that the Parliamentary Act of Settlement was obtained in 1373, under which Robert III. inherited the Crown.[3]

[1] See page 130.

[2] The recent decision of the Court of Session in the case of Ker v. M'Martin, rejecting the doctrine of mid-impediment, and recognizing the legitimacy of the child, leads to the inference that even if the state of the facts given by Buchanan, in the case of Robert III. were correct, that monarch would nevertheless have been legitimate.

[3] See the valuable observations on this point by John Riddell, Esq., in his "Inquiry into the Law and Practice of Scotish Peerages." Edin. 1842, 8vo, vol. i. pp. 516—519.

THE

ANCIENT CHURCH OF SCOTLAND.

IT will be universally acknowledged, that of all the several kinds of reading which people use for amusement and instruction, there is none more generally useful or acceptable than reading of History is, because History suits all tastes, and agrees with all capacities, and consequently can be understood, as well as read by all; whereas Philosophy, Mathematics, Divinity, and such other studies, as they require both more skill or more pains to comprehend them, so it is not to be thought they can be either pleasing or edifying to all sorts of people. Hence it is that History, being so much the object of universal comprehension, has been modelled into such various shapes. And as it is with jewels, that the value of real ones puts people so frequently upon counterfeiting them; and with virtue, that the love she every where meets with, is the reason why so many hypocrites pretend to her; so it is with History. There have been counterfeit histories in all ages, since the world was first blessed with a genuine one, and these, too of two sorts; not only false histories, coming out under the appearance of and setting up for truth, and under the disguise imposing upon and deluding the world, as were the histories of Berosus the Babylonian, Manetho the Egyptian, and others in old times, not to mention many of the same stamp in after days. But, which is still more remarkable, we have multitudes of feigned stories that do not pretend to be truth, but boldly own themselves to be what they are, and delightfully instruct the reader under the plausible title of novels and romances, such as the well-known Don Quixote, and still better known Telemachus, not to take notice of the innumerable fry of lesser note. So much does a narration of facts, whether true or false, please mankind in general, and so fond are we of knowing what has been done, and what is doing abroad in the world.

Now, as this is a natural bias of the soul of man, it is not to be wondered that this bias should lead us with

a stronger bent to the knowledge of the transactions of that particular place of the earth which has given us birth, and which we call our native country. As, indeed, it would be most surprizingly unaccountable for a man to be well acquainted with and conversant in foreign affairs, and yet suffer himself to continue a stranger as to what has been done at home. And truly our nation, although at present, from what concurrence of circumstances I shall not say, much more obscure, not to call it despicable, than in former times, yet it affords abundant matter of curiosity, and its history deserves as well to be read as the history of any other nation in Europe. Nay, I may venture to say there is hardly another nation in Europe so distinguished among historians, or that has employed their pens so much in a strain of argumentation and controversy, as this of ours, the whole of our history, both in Church and State, being in a manner one continued subject of debate, and each party among us writing as it were not for the nation, but for a party. So that, whereas the writers of other countries are at pains to aggrandize their countries sometime to the disparagement of their neighbours, and even at the expence of truth, our historians seem to have nothing so much at heart as to depress one another, and raise a contention among themselves. Thus, the antiquity of our Monarchy by some is carried up to more than three hundred years before the Incarnation, by others it is sunk down to four hundred years after it. The nature of our government some affirm to be purely monarchical, and that monarchy indefeasibly hereditary. Others will have a share, if not the principal share, of power to be in the people, and the regal succession to be limitable by them. The dispute about the Crown between John Baliol and Robert Bruce, the story of King Robert II.'s two wives, Elizabeth Mure and Euphemia Ross, the insurrection of part of the Nobility against King James III. under the pretended authority of his son, afterwards James IV., and the variously reported reign of Queen Mary—these, besides sundry other events of less consideration, have made more noise in the world, and been represented in more different colours, than I dare say any kingdom under the sun of such small extent can furnish the like.

Nor is the history of our Church less remarkable, as to

the various and even contrary accounts we have of it;—the several divisions among us that assume the title of the Church, pretending each of them to have history on their side, and producing writers of their own to justify their foundation. In the midst of such differences and oppositions, it is impossible for many people not only to come at the truth, but even to have any tolerable idea of the history of Scotland either in Church or State, though I make no doubt but there are many that would be glad of some assistance to clear up these matters in some measure to them. Indeed, our nation does not want historians, and these, too, men of parts and pains, and many of them men of candour and honesty, who have laboriously searched for, and ingenuously published our antiquities, and done all that I believe can possibly be done to give their countrymen an exact and genuine history of their country, especially in these controverted particulars I have already mentioned; but then the labours of these worthy men cannot be come at, and though they could, cannot be understood by every body. Some have not time to read, some have not abilities to comprehend, what is wrote; and though there are few but have some sort of curiosity—and a commendable curiosity in this way—yet the discouragements unaveidably to be met with by people of low life in gratifying such a curiosity keep them in a perpetual ignorance, and prevent their knowing so much as they would wish to do, particularly as to Church affairs. The most of people are much in the mess there, and can tell little about the original of the Church of Scotland, or at what time, or in what manner, Scotland had the Christian faith preached to her. Yet I may say there was never a time when some knowledge of these things was more necessary than at present; indeed, people's ears seem now to be more open than ever to instructions of this kind. What may be the reason of this, I shall not take upon me to determine. Perhaps the true reason is not easy to be guessed at, nor quite safe to be told. But so it is there is to be found now a-days much more desire of knowledge among all ranks, particularly as to Church affairs, than what was in our forefathers' days; and pity it were that such an useful desire should not be in some degree satisfied, that thereby religion might appear

not quite so trivial and indifferent an affair as by too many it seems to be thought. I hope, therefore, it will not be altogether unacceptable, at least to the lower class of well-meaning people, to gather into one abstract the sum of what is said by so many writers with any sort of certainty upon the origin and constitution of our Scottish Church, and how this nation, now called Scotland, came to embrace the Christian religion, or to have a Church settled at first.

When I say the Scottish Church, I mean not this or the other sect or party, as God knows we have too many such among us that call themselves the Church, or Kirk, of Scotland; but that part of the Catholic or whole Christian Church within the kingdom of Scotland, according to the primitive division and definition of particular Churches, as parts or members of the one general or universal Church, which is accordingly called the Body, and of which Christ Jesus is the Head. The first foundation of this universal Christian Church is from Christ our High Priest, our Supreme Bishop, to whom was given by the Father all authority in heaven and earth, St Matthew xxviii. 18. And this authority, at least as far as they were capable of receiving it, and as was necessary for the ends of Divine wisdom, Christ delegated to his Apostles, St Matt. xxviii. 19; St John xx. 21, 22, 23. And not only to them, but likewise to their successors, as is not only to be gathered from the texts already cited, compared with the History of the Acts of the Apostles, but is plainly acknowledged and agreed in by all parties, even by those that differ in other things. This, then, is the description of the Church Catholic, or Universal—the whole society of Christians in all ages and places of the world united to and in communion with their pastors and governors lawfully commissioned by Christ, and deriving their succession from the Apostles. And in this sense we read of the Church in many passages of Scripture, as well as of Primitive writings. But then we find in both these mention made of particular Churches, as the Church of Corinth, of Ephesus, of Smyrna, &c. as well as of Rome. These were the Christians in those cities under the government of, and joining in communion with, their respective officers, who by a particular designation were called *Episcopi*, Bishops, and by means of that government

and communion were united to, and consequently members of the one Christian Church diffused all the world over. These particular churches or societies of Christians, with their respective Bishops at their head, had all equal authority and equal privileges in every thing of a purely spiritual concern, such as the worship of God, administration of Sacraments, exercising necessary discipline, and the like. So that what was done by one Bishop, as the head under Christ, of his particular church, so long as he acted in communion with the universal Church, was received as valid all the universal Church over; and the Bishops of the several particular churches were so many conjunct governors of the universal Church, as St Cyprian says, *cujus a singulis in solidum pars tenetur;* that is, they acted, as we would say, in a common law phrase of our times, conjunctly and severally. He that was a Bishop in one church, or in one place, was a Bishop in every church wherever he came; and when invited, or with consent given, could exercise his office in any church, and by such a mutual and co-ordinate power in spirituals was the communion of the Church preserved. I say, in *spirituals*, because as to certain temporal privileges, and dignities of that sort, even from the earliest times some particular churches had a larger share than others; and their Bishops, by concessions from the rest, not by any intrinsic right, or inherent title in the place, were allowed a respect, and even a kind of precedence, above their neighbours. But this was only an appendix to the Episcopal office, which, as to the substance and essential powers of it, was of equal extent in every church, in one as well as in another. As St Jerome, in a letter to Evagrius, says—"If we be to regard authority, the world is greater than one city. Wherever there is a Bishop, whether at Rome or Eugubium, at Constantinople or Rhegium, at Alexandria or Tunis, *ejusdem meriti ejusdem est et sacerdotij*—he is of the same merit, and of the same priesthood." Thus, the universal Church is an aggregate, or, as we might call it, a congregation of all particular churches; and particular churches, whether national as the Church of Scotland, England, France, &c. or diocesan, as of Corinth, Ephesus, &c. are but so many constituent parts or members of the universal Church. And in this sense it is that I would be understood, when I speak of the

Scottish Church, or the *Church of Scotland*, as a part, however small, a part of the universal Church of Christ, or, in other words, of that mystical body of which Christ is the Head. Now, as this nation of Scotland, as well as all the other parts of the Christian Church, was once buried in Pagan darkness, it will be worth the while to know when and by what means the light of the gospel began to shine upon it; and I hope all sincere Christians, of whatever denomination or capacity, will be glad to be informed in what manner such an inestimable happiness was first brought in among us. That this, then, may be done in some sort of method, and so may be the more easily comprehended, there will be a necessity of digressing a little now and then; and, even by way of introduction, it will be proper to take a view of what is now called the *Church of England*, and perhaps I may in course make a step to the neighbouring island, and look into the original establishment of the *Church of Ireland* too.

I need not almost observe, that what we now call Scotland is a part of that famous island so well known even in the Roman history by the name of Britannia or Britain, which, though it comprehends now-a-days the two once divided but now united kingdoms of England and Scotland, yet from the beginning, and for a great many years after we hear it first mentioned, it was not so. These two names were not brought in till about 800 years after Christ, that Egbert, King of the West Saxons, made himself Monarch of all the Saxon Heptarchy, and Kenneth Macalpin succeeded to all the north part of the island, from which time the South of Britain began to be called England, and the North of it Scotland, as it is at this day. As there has still been, therefore, a connection and communion between the Churches of these two nations, before I say any thing of the Scottish Church I shall first consider the Church of the south part of Britain, now called England, which was first known to the Romans, those great conquerors and refiners of the world, in the days of Julius Cæsar, their first emperor. He it was that first made an attempt to join this island to the Roman Empire; but it was but an attempt. The Emperor Claudius began the conquest of it, and from that time it was by degrees subdued, and modelled into the form of a province. Under

Domitian, the last of the twelve Cæsars, his general, the renowned Agricola, penetrated as far north as the two Friths of Forth and Clyde, and there he fixed the barrier of the Roman dominions in the year of Christ 81. But in A. D. 121 this frontier was lost, and the Emperor Adrian, to guard the province of South Britain, built a wall or dyke between Newcastle and Carlisle, and left all the country between that and Agricola's fence to the possession of the northern inhabitants. However, about seventeen years after, another Roman general, Lollius Urbicus, recovered those midland countries, and raised a new wall of turf between the Clyde and Forth; and thus it seems matters continued for upwards of sixty years, when the Emperor Severus, after having defeated the northern Britons, then called Caledonians, erected another wall for a defence, which some writers place between Forth and Clyde, and some between Newcastle and Carlisle. Yet this did not sufficiently answer the end, for the unconquered inhabitants of the north parts were every now and then making inroads into and ravaging the Roman territories in the South, sometimes with success, sometimes with loss, for 150 years, when the Emperor Valentinian I. sent over the general Theodosius into Britain, and he having once more regained the midland countries between the two walls, was the first that erected them into a province, which he called Valentia, and the frontier was by him again carried to the two Friths of Forth and Clyde. But such was the warlike and restless humour of the northern people, that no sooner was he gone, but they returned with as great vigour as ever to plunder the British provinces, so that in the year 398, the renowned Stilicho was obliged to send over new forces to repel them. By this time the barbarians of the North of Germany, the Goths, Huns, &c., were making miserable devastations over all the Roman Empire, and now there was a necessity to recall the troops out of Britain for the defence of the rest of the Empire; upon which, in 421, another wall was built between the Forth and Clyde for the last time, which proved but a sorry security, for the North Britains, now known in history by the names of Picts and Scots, soon threw down this wall, and carried all before them, to the southern wall between Newcastle and Carlisle, almost without any opposition.

The Britons were by this reduced to a great extremity, and having no further expectation of either aid or protection from the Romans, they at last took a desperate course, and brought over to their assistance the Saxons and Angles out of Germany. And this gave them the finishing stroke; for these barbarians, having once got footing in a country which they found much more pleasant and fertile than their own, fell a quarrelling with their masters that had sent for them, and instead of defending them, as was intended, against the Picts and Scots, they in end turned their arms against the Britons themselves. The Britons did, indeed, stand their ground a long time under some kings of their own, and in particular Aurelius, Uter Pendragon, and the famed King Arthur, bravely maintained their liberty, and had well nigh got the better entirely of the Saxons. But after King Arthur's death they lost courage, and made little or no resistance, but quietly retired into the mountains and deserts of Cambria or Wales, where they kept up a sort of sovereignty of their own, and had petty princes of their own for about 500 years, till they were united to the English monarchy under Henry II. of England. The Saxons upon this got possession of all the rest of Britain be-south the Tweed, and divided into seven kingdoms or principalities, which was called the Heptarchy, under seven different Kings, independent on one another. At last Egbert, one of these seven Kings, having by degrees subdued the rest, joined all into one monarchy, which his posterity did not long enjoy without disturbance. The Danes, under their Kings Sweno and Canute, established themselves in England, and kept it for three generations, till William Duke of Normandy, commonly called William the Conqueror, made himself absolute master of it, and transmitted it down through his posterity to the present time.

This short account of the English State will be found necessary, in order to come at the better notion of the beginning and progress of Christianity in that part of the isle. For as the Romans were for such a tract of years so well acquainted in it, and as from the very first appearance of the Gospel there were Christians at Rome, and even in Cæsar's household, it is not to be doubted but there were several Christians among those that came over now and then

to Britain, and by their means we may very well believe the inhabitants would hear at least of the Christian faith. The English historians do tell us that Joseph of Arimathea, with twelve companions, came over to Britain, and from him the Monks of Glastonbury did derive their original—with what certainty I shall not inquire. Nay more: we read, too, that some of the Apostles preached the gospel to the Britons in person; and it is said St James, the son of Zebedee, and brother of St John, was one—which yet will not answer with the date of his martyrdom, as related in the twelfth chapter of the Acts. St Simon Zelotes is another Apostle to whom the conversion of Britain is attributed, and some historians even write that he suffered martyrdom in it, which, however, is contradicted, with more probability, by others, who fix his martyrdom to Persia. Collier, in his Church History, is at pains to make it appear that St Paul had been in Britain, as, indeed, there is a great deal to be said for, and little to be said against it. Yea more: Baronius, in his Annals, is of opinion that even St Peter made a visit to Britain himself; and he quotes Metaphrastes, who says that St Peter stayed a good while in Britain, converted many nations in it, and after having founded churches, and ordained Bishops and Priests, at last returned to Rome in the twelfth year of the Emperor Nero. It is something surprising that Collier, when he mentions this, should labour so much to blast the authority of Metaphrastes, with no other view but to deny the truth of St Peter having ever been in Britain; since, whether it were really true or not, yet as it is related, and seems to be credited by Cardinal Baronius, I do not see but it might be retorted upon the Cardinal by way of argument, to prove the independency of the Church of England on the Church of Rome, if it be so that the one was founded by St Peter (to whose person it is said the Supremacy was given), as well as the other. However, on the main it must be owned, there is not as much foundation for any of these relations as in a case of such moment would be wished, and hence the most of the more judicious English writers do not insist on these traditions, but satisfy themselves with what has been already observed, that the Christian faith, in all probability, was by degrees spread through this part of Britain by the common intercourse it had with the Romans.

Though for more than a hundred years after Christ it does not appear that it gained much ground, or was favoured by any sort of public settlement, till the time of the British King Lucius, who, if all be true that is reported of him by multitudes of historians, sent ambassadors to Pope Eleutherus, begging his assistance to instruct him and his people in the faith of Christ, &c. Upon which the Pope sent Faganus and Derwianus into Britain, who in a short time converted the nation, and settled archbishoprics and bishoprics in all these places where in heathen times the Pagan Archflamins and Flamins had their residence. Indeed, the story of King Lucius, as commonly reported, has too much the air of a legend to be credited in every particular; and even as to the precise time of this remarkable conversion, Archbishop Usher numbers up no less than three and twenty different accounts, of which the interpolator of the Burton Annals places it in the year 137, and John Harding in 190. As he likewise, in conjunction with all approved historians, rejects the fancy of the Flamins, &c., yet it is not to be questioned but about this time, between the years 137 and 190, the Gospel had made a considerable progress in the south parts of Britain, and that by the countenance and concurrence of some regulus or governor of the name of Lucius, who by his name seems rather to have been a Roman than a Briton.

Be this as it will, one thing is certain, that from this time, from the end of the second and beginning of the third century, Christianity not only made a figure, but had even some sort of a formal establishment and church government, to the reign of that last of the persecutors, the Emperor Dioclesian. And for a proof of this, both Usher and Collier produce the testimonies of Origen, Tertullian, Gildas, and Bede. Under Dioclesian the British Church shared the fate of other Churches, and at this time, besides many others, the famous Alban, the first British martyr, sealed his constancy with his blood. When the care of Providence put a stop to the current of this cruelty by the death of the tyrant, and brought the ever-renowned Constantine to the imperial throne, the Church of Britain rose to a considerable splendour, and at the Council of Arles, in the year 314, we meet with the subscriptions of three British Bishops, Res-

titulus, Bishop of London, Eborius of York, and Adelfius, Bishop *de Civitate Colonia Loudonensium*, which Bishop Stillingfleet will have to be Chester, or Caerleon on Usk. After this, we find by the testimony of the Emperor Constantine himself, that the Church of Britain joined with the Nicene Council in all her appointments, anno 325 : and that at the Council of Sardica, in the year 347, there were British Bishops present, who consented to the condemnation of Arianism, we learn from the great St Athanasius, in his Second Apology against the Arians. In the year 358, the renowned champion of the orthodox faith in the West, St Hilary, then in banishment in Phrygia, wrote a book against the Arians, which he directed, among others, to the Bishops of Britain, congratulating them that they had remained free from, and unhurt by any contagion of the damnable heresy, &c. In the year 359, the Council of Rimini in Italy were in a manner compelled by the Emperor Constantine to favour the Arian doctrine ; yet by a letter from Athanasius and the Bishops of Egypt to the Emperor Jovian, in the year 363, it may be gathered that the British Church was still orthodox, and attached to the Nicene doctrine. Indeed, after this they did decline a little from the old purity, yet not to such a degree as the Churches of the East. But the same favourable character cannot be given to the British Church with respect to the Pelagian heresy, which was broached a few years after by one Pelagius, a Briton, and was strenuously opposed by St Augustine and St Jerome ; and though supported by several Bishops, and by a Council in Palestine, yet was at last suppressed by the vigilance of these two Fathers, and the concurrence of the Bishops of Rome. With this heresy Britian was miserably polluted, but was delivered from it by the zeal and care of two Gallican Bishops — Germanus of Auxerre and Lupus of Troyes, who came to Britain about the year 430, and for a while restored the British Church to its former soundness.

For a while, I say, for it seems it soon relapsed ; and Germanus, about twenty years after his first voyage, undertook a second in company with Severus, Bishop of Treves, and at this time gave the Pelagian heretics an entire defeat. Collier tells us that at this time, among other good services, Germanus brought into Britain the Liturgy of the Gallican

Church, which differed from the Roman Liturgy in sundry particulars, both in the ordinary service and in the Communion Office, the form of which, according to the old Gallican Liturgy, says Collier, makes strongly against the modern doctrine of transubstantiation. Short time after this second voyage of Germanus, the British Church fell into a deplorable confusion. For now the Saxon infidels were brought into the island, who not only marred and unhinged the constitution of the state, but likewise distressed and persecuted the Church to the last degree of barbarity. The historians of these times, especially Gildas, have left us most melancholy accounts of this desolation. The Bishops did indeed stand it out for a long time, and kept up their ordinations in the several churches under the two Metropoles of London and York, notwithstanding of the Saxon oppressions; till at last, about the year 587, when the Saxons had mastered all that part of Britain now called England, and the British Christians, as was said before, had retired either into Wales, or into the south parts of what is now called Scotland, the two Archbishops, Theonas of London, and Thadiocus of York, with the most of the clergy, left the country, and went to Wales too, where they joined with the former Bishops of that part of Britain under the Metropoles of Caerleon, which was afterwards translated, sometimes to Landaff, sometimes to St David's. And here the British Church continued their succession, independent of any other Church, and with little or no communion with the newly converted English Church, for upwards of 500 years, to the time of Henry II. of England, when, upon the death of the last British Bishop of St David's, about the year 1115, Bernard, a Norman, was preferred to this See, and by degrees the British Church came to be incorporated into the Church of England, and subjected to the metropolitical authority of the Archbishop of Canterbury.

The Saxons, after the retirement of these two Prelates, continued pagans but a short time; for in the year 596, Pope Gregory sent over the monk Augustine with some companions, by whom the King and Kingdom of Kent were first of all converted. Some years after, about the year 620, the kingdom of Northumberland, with their King Edwin, was converted by Paulinus, one of Augustine's

companions; and this Edwin was of great use in bringing over the East Angles, another part of the Heptarchy, with their King Carpwald, to the Christian faith. In the year 634, Birinus, a Bishop, came into Britain, and was the first Bishop of the West Saxons, whose King, Kyngil, at this time renounced paganism, and gave Birinus the town of Dorchester for his Episcopal See. About eighteen years after, Peada, son to Penda King of the Middle Angles, brought into his country three or four clergymen, by whose labours the Gospel was received among his subjects, and they had for their first Bishop Diuma, a Scotsman. Next to them the Mercians, upon the death of their King Penda, who was a great bigot to idolatry, and was slain in battle by Oswy, King of Northumberland, came off from their heathen blindness, and united themselves to the Diocese of the Middle Angles, under the inspection of the Bishop Diuma. And last of all, in the year 680, the South Saxons, with Edilwalch their King, were baptized by Wilfrid, Bishop of York, whom, upon some misunderstanding, Egfrid King of Northumberland had banished out of his dominions. And thus, in about one hundred years after the removal of the British Bishops into Wales, all the nations of the Saxons in Britain were converted, and had churches planted, and Bishops settled among them, under the two Metropolitans of Canterbury (in place of London, which had been the British metropolis) and York. It is true there were frequent disputes between these two Sees about their Suffragans, which as long as the country was cantoned out into so many little principalities, could neither be prevented nor well adjusted, till at last, after the union of them all in the person of Egbert, King of the West Saxons, the limits of jurisdiction between the two Archbishops were in some measure regulated; and in the end, under the reign of Henry I.—Ralph being Archbishop of Canterbury, and Thurstin of York—the matter was finally determined, and their respective Primacies settled much in the same manner as it is at this day.

And thus I have as briefly as possible gathered together the sum of all that can be said, with any degree of certainty, concerning the beginning and first progress of Christianity in the south part of this island, and I could not but take some notice of the conversion of the several Saxon kingdoms, as it

is well known, and as Bede their great historian declares, the most of them were much assisted in this way by clergy from Scotland, which, perhaps, we shall have occasion to instance in after this. And so, having given some view, though but a faint one, of the Church of England, I shall now step over the Tweed, which is the present march of the two nations, and examine into the origin and advancement of the Gospel in the northern part of Britain, which, though in old times they went under different names, and were subject to different masters, yet have long since been under the dominion of one prince, and are at this day known by the general name of Scotland. And here I am sensible what dark and even false notions the most of our countrymen, especially all those in low life, have of their country in old times; as indeed it is no great wonder, since the most of our historians do not seem to have been at due pains to give such a distinct account of things, as that their readers can have a clear and just idea of the nature and first establishment of our kingdom. Even Buchanan himself, however praiseworthy his labours, and elegant his skill may be thought, yet must be owned to be somewhat defective in this point. And when a person that never looked into any other Scotish history, shall read Buchanan's Account of the Scots for the first 1000 years after what he makes their first establishment in Britain, he will readily believe the Scotish kingdom was then almost as extensive as it was in James VI.'s days, when Buchanan wrote, though it be well known that till the year 840 after Christ, the Picts possessed the greatest part of it. Yea, so much of it was in other hands even at that era, that, as John Major, who wrote before Buchanan, tells us in his History of Scotland, King Robert Bruce observed to his soldiers at the battle of Bannockburn for their encouragement, that Kenneth possessed scarcely the third part of Scotland when he overcame the Picts. Yet this can hardly be learned from Buchanan's way of writing, which, indeed, is so confused as to what concerns the limits or marches of the Picts and Scots, that we cannot well tell in what place of the country to look for either of these two warlike nations. As for instance, when he says that King Eugene VII., having reigned seventeen years in peace, died at Abernethy, without any note of distinction, we would

naturally think Abernethy was a part of the Scotish dominions, and yet in his account of King Alpin's death, not long after, he tells us the Picts set up Alpin's head on a pole in the highest place of their chief town, which, says he, at that time was Abernethy. That, therefore, we may in some measure know how Christianity was brought into that part of Britain now called Scotland, and by what degrees and methods it advanced, as we will see the whole country was not converted at one and the same time, nor by the same persons, we must, for order's sake, consider it as according to the first and most genuine accounts of it, it was divided into three several nations, under as many distinct dominions. And of these the

I. That occur in the neighbourhood of what is now called England are the people between the two Roman Walls, that is, between the Friths of Forth and Clyde, which Nennius, an old English writer, calls Mare Freticum (the Frith Sea), to the north, and the Northumberland Wall to the south. These people by the Roman writers were called Mæats, and that whole tract of land was by the Count Theodosius, general in Britain, about the year 370, called Valentia, and made a Roman province. It comprehends now the Dales, the Merse, the Lothians, Galloway, and the several lands be-south the Clyde, to the march of England. But in former times, even after the Romans lost possession of the country, as appears from the histories of those times, and as far down as the days of King David I., as Father Innes observes from the Laws of the *Regiam Majestatem*, all this division had but two parts, the eastern part called Laudonia, or Lothian, and the western Galwedia, or Galloway. As to Laudonia, it seems to have been, like the rest of that neighbourhood, the scene of war between the Romans who then possessed the South of Britain, and the unconquered people that lived to the north of the Frith of Forth over against it. And even after Theodosius had brought it more fully under subjection, and set up some kind of civil order in it, as was done in all the Roman provinces, yet this settlement did not last long. The northern people were still harassing them, and at last, after the Romans had withdrawn their troops out of Britain in the year 426, both Gildas and Bede tell us the Picts, whose country lay be-north the Friths, from that time made

themselves masters of all this eastern coast of Valentia, or the midland province, as far up as the Northumberland Wall.

However, they did not long enjoy this new acquisition peaceably, for after the Saxons had got the better of the Britons be-south the Northumberland Wall, as has been already related, they turned their arms against the Picts to the north of it, and had frequent rencounters with them with various success, till the year 685, that Egfrid, King of Northumberland, was killed in battle by Brude, son of Derili [Bili?], King of the Picts. After which the courage and vigour of the Saxons decayed, and the Picts once more recovered, and from that time held that east part of the country with little or no disturbance till the final abolition of their whole monarchy about 160 years after, when it began to be called *Laudonia;* or in the language of the country, as the English historian Matthew Florilegus observes, *Laudian*, is not certain. Our Scots historians Boece, Buchanan, &c. derive this name from one Lothus, King of the Picts, who, they say, was cotemporary with the British King Arthur, about the year 500. There is still extant a Catalogue of the Pictish Kings, from Cruitdne, son of Cinge, down to Kenneth Macalpin, in a short piece called *Chronica de Origine Antiquorum Pictorum*, which is now in the King's Library at Paris. But this Catalogue has not in it any name about that time that has the least resemblance to Lothus, Loth, or Lud; as neither has another Catalogue taken from the Register of the Priory of St Andrews, and inserted by Father Innes in his Appendix, No. 5.[1] Besides, Geoffrey of Monmouth, who seems to be the first that speaks of this Lothus, calls him Consul of Lodonesia, and after historians mention mostly his transactions relative to King Arthur, and to British affairs. So that it would seem this Lothus, if ever there were such a man, has been only some petty lord, or sub-governor, and not so great a king as he is represented. English writers pretend that this Laudonia still belonged to the Saxons or English; and in an old treatise about the division of Albany, supposed to be written by Giraldus Cambrensis in the twelfth century, quoted by Camden and Usher, and inserted by Father Innes in his Appendix,[2] we find that in our King Indulf's time, about the

[1] Vol. ii. p. 797. [2] P. 768.

year 960, the town of Eden, or Edinburgh, the capital of Laudonia, was evacuated by the English, and left to the Scots to this day. This is no doubt the foundation of the English pretensions, and it cannot be denied that for some years the Saxons had been masters of Laudonia before the death of King Egfred in 685. But the same anonymous treatise tells us, too, that Kenneth Macalpin, 100 years before King Indulf, attacked the Saxons six times, and possessed himself of Melrose and Dunbar, two principal places in Laudonia; and Ranulf of Chester in his *Polychronicon*, written about the year 1380, gives this account from some old English annals, that Kineid, son of Alpin, invaded Pictland, destroyed the Picts,[1] subdued the Saxons six times, and possessed all the country from the Scottish Sea (*i. e.* from the Friths of Forth and Clyde) to the river Tweed. Yet, as Laudonia, or Laudian, had been once in the dominion of the Saxons, as it certainly was for some time, this might give a handle to the Kings of England in after times, as they were ready to snatch at every opportunity of that kind, to challenge a right in, and superiority over, Laudian; and upon that account to demand homage from our Kings of Scotland for their possession of it, which we see they had a just and undoubted title to from Kenneth Macalpin. And this may serve as to the civil state of Laudonia, or the east part of the country between the Walls.

At what particular time, or by what particular person or persons, Christianity was brought into this district, we cannot positively tell. No doubt it might have been blest with this happiness, as well as the rest of South Britain, when under the Roman administration, though it be not recorded by what means; and as the southern Picts were converted to the Faith, which we shall see afterwards, before the Saxons came over to Britain, it is probable they might carry their new religion along with their arms into these parts of the British territories, and might settle a face of a Church, as well as a civil government, in Laudonia, which is the more likely, as all Laudonia, when under the dominion of the Scots, continued for a long time a part of the Diocese of St Andrews, which was till Kenneth Macalpin's time a Pictish Church. Indeed, there

[1] The entire destruction of the Picts was one of the most favourite fabulous legends of the Scotish antiquaries. See Father Innes, vol. i. p. 145.

are but few particulars to be found concerning the original of Christianity in this part of Scotland, which, considering what a figure it made in old times, and what disputes were between Picts, and Britons, and Saxons about it, is not a little surprising. The Scots Chronicle tells us, that in the year 1261, under King Alexander III., a cross was found at Peebles, a town of Laudonia, with an inscription upon a stone—" Locus Sancti Nicolai Episcopi," i. e. " The place of St Nicholas, Bishop," and that not far from the cross was found a stone urn, with the bones and ashes of a human body, all which, it is thought, had been laid down there during the persecution of Maximianus in Britain, about the year 296. After that author Hector Boece tells the story much in the same manner, which, if it be true, is a presumption that the Christian faith had got some ground in that neighbourhood by means of their intercourse with the South Britons. We learn from Bede, that while the Saxons were in possession of Laudonia, after having taken it from the Picts, who first took it from the Britons about the year 430, all the inhabitants of Laudonia were subject in spirituals to the Bishop of York; and, in particular, that in the year 681, after Egfrid, King of Northumberland, had banished Wilfrid, Bishop of York, Theodorus, then Archbishop of Canterbury, ordained one Trumwin Bishop over the Pictish province, at that time under the dominion of the English. This Trumwin assisted at a Synod held by Theodore at Twyford, and subscribed a charter of donation made by King Egfrid, in this form :—" I, Trumwin, Bishop of the Picts, have subscribed." But when the Picts, on defeating and killing King Egfrid, recovered the possession of Laudonia, Trumwin the English Bishop retired with his clergy from the monastery of Abercurnig, and came to the Abbey of Whitby in Yorkshire, where he died. Collier calls him Bishop of Whithorn, which is a mistake; for Bede says expressly that Picthelmus was the first Bishop of Whithorn, or Candida Casa, after it came under the dominion of the English, which was not till the year 730; and accordingly Spottiswoode, in his Catalogue of the Bishops of Galloway, has no mention of Trumwin, but places Picthelmus immediately after St Ninian. So that Trumwin's Diocese has certainly been Laudonia, or Laudian, of which, though the kings of Northumberland were for some time masters,

yet it appears from the form of Trumwin's subscription, the inhabitants were Picts. Besides, the monastery of Abercurnig, where, by Bede's account, Trumwin had his residence, and of which, Collier says, he was Abbot (as was ordinary in those days), was situate in the district of Laudonia, as Bede, and after him Buchanan, expressly affirm in their description of Severus' Wall. After Trumwin's removal, the Picts in Laudonia, being now freed from the English yoke, became united to the Pictish Church, and continued so, according to all that we learn about them, till the Pictish kingdom became the possession of the Scotish King, Kenneth II., 160 years or so after. And this is all that can be said with any certainty concerning the state of Christianity in the east part of the country between the walls, then called Laudonia.

The western part of this country, I observed, was in King Kenneth's time called Galwedia or Galloway, and contained the lands of Carrick, Kyle, Cunningham, and Renfrew, besides what is now called Galloway. These lands, as well as the eastern parts, were first possessed by the Mæats, who were sometimes in subjection to the Romans, and sometimes joined with the people be-north the Clyde to shake off the Roman yoke. This variety of their situation depended much on the success of the Roman arms in South Britain, and the Mæats were not finally settled till under the general Theodosius in 370. Yet, as before observed, this settlement did not last long. For in little more than fifty years, the inhabitants be-north the Friths taking the advantage of the distractions of the Empire, broke over the British Wall between the Friths, and laid waste the British territories in a miserable manner, as Gildas and Bede write. The Picts especially made incursions into Laudonia, and such of the British inhabitants as would not unite with them were obliged to remove by degrees westward towards the Irish Sea, where they fortified the impregnable rock then called Alcluyth, and gave it the name of Dunbritton, now Dunbarton. Here they extended themselves along all that coast as far south as the Northumbrian Wall, and formed a kingdom or principality of their own, which we are told by the historians of those times was called *Regnum Cambrense*, or *Cumbrense*, the *Cumbrian kingdom*; yet they were frequently attacked even here by enemies from different quarters. It seems the

Saxons, after rebelling against the South Britons that had called them over, turned their arms against these Cumbrian Britons too. For about the year 490, we read that Eosa, or Ebusa, a kinsman of the famous Saxon leader Hengist, had possessed himself of Alcluyth, or Dunbritton, and that Ambrosius, the victorious King of the South Britons, besieged him there, and forced him to a surrender. From this time it is like the Cumbrians recovered their liberty, and had Kings of their own, among whom we read of one Marken, who persecuted St Mungo, and of Rederic, son of Tothail, a pious King, who was a great friend to that Saint. St Alred, Abbot of Rieval, who wrote about 1150, says these western countries had Kings of their own till the time of William the Conqueror; and the English historians, Matthew Florilegus, Malmesbury, Henry of Huntingdon, &c. write that, anno 946, Edmund the Elder, with the assistance of Lewelin, King of Demetia, laid waste all Cumbria, and having put out the eyes of the two sons of Dunmael, King of the country, gave that kingdom to Malcolm I. of Scotland, &c.

This account is indeed observed by Father Innes to be but dubious, and not much to be relied on. However, he says we are assured by better authority, that the Britons were still in possession of this part of the country till the year 756, that Egbert, King of the Bernician or Northumbrian Saxons, and Unnust, or Hungus I., King of the Picts, led an army against Alcluyth, and took it from the Britons on conditions on the 1st day of August. Malmesbury acknowledges that the Picts invaded that country some time before their union with the Scots, and Ralph Higden says much the same. Camden, in Scotia, page 692, says, that about these times this country, being overrun and seized by the Scots, was first called Galwallia or Galwedia, from them. There is good ground to believe that the old British or Cumbrian inhabitants were not totally extinct upon this, but were incorporated first with the Picts, and afterwards with the Scots; for in 875, we read in Asserius Menevensis, the Danes, under their leader Halfden, ravaged the Picts and Stratcludenses. Florence of Worcester calls them Strætgledwalos; the Anglo-Saxon Annals call them Peochtas and Sthraclethwealas; Fabius Ethelwerdus, the Picts and Cumbrians; Matthew Florilegus,

the Picts and Walenses. From all which it is plain the inhabitants of these western parts were a mixture of Picts, the latest conquerors, and Britains or Cumbri, the first possessors. And in some authentic charters of our Kings Malcolm IV. and William, we have this distinction kept up—" To the Franks and Angles, Scotsmen, and Galloway-men, and Walenses," &c. And Buchanan observes, that even in his time the people of Galloway had a sort of particular language of their own. And Father Innes has clearly proven, from several arguments, that as the Britons had been the original or first known inhabitants of Galloway, so they still continued there under the Picts as long as they held it, and even after it became a part of the Scottish monarchy under Kenneth Macalpin and his successors.

Let us now see how Christianity was brought in here, and after what manner the Church was planted in this part of the present kingdom of Scotland. And here, indeed, we have much clearer lights to walk by, and more certain accounts to depend upon, than in what concerned the neighbouring division of Laudonia. For here in this *Cumbrensis regio:* or Cumbrian kingdom, were born many of these famous luminaries of the Church, whom, by not distinguishing this Cumbria, now Galloway, from the old Cambria, now Wales, most of the English writers will have to be born Britons, and consequently claim them as countrymen of theirs. It is not to be doubted but the Britons that retired into the western part of the province, on the Picts seizing Laudonia, about the year 490, might have carried Christianity, which we have seen was the British religion before that time, along with them; and there is no question but there might have been some appearance of it even among the inhabitants while under the Roman government, both before and during the administration of Count Theodosius. However, after the year 430, we can say something more particular and with more certainty on the subject. It was in this part of the present Scotland that Gildas Albanius was born, whose life was written by Caradocus Lancarvanensis about the year 1150, as Usher tells us, and by a monk of Ruise, in Little Brittany, published by Father Mabillon, as we are informed by Father Innes. He was born at Alcluyth, now Dumbarton, in the year 425, and among many other

Christian offices performed by him, he preached the gospel to the nations that inhabited the northern parts of Britain, some of whom were still buried in heathen darkness, and some that were Christians were not orthodox, but entangled in sundry heresies. It is farther said of him that he taught schools in Britain—that he went over to Ireland and preached among the people of Ulster—that at last he settled at Glastonbury, and died there, anno 512. It is true, Stillingfleet, Bishop Nicholson, and Dr Collier, reject this account as savouring too much, says Collier, of a romance—at which rate we must reject the history of their British King Lucius, and even of the renowned King Arthur himself, which are both as romantic as the life of this Gildas. They will have to be but one Gildas, who was born in 520, wrote his querulous Epistle about the British Princes in 563, and died in 570. This later Gildas Usher calls Badonicus, to distinguish him from the former Gildas, who was dead ere this Badonicus was born, and who, by what we have related of him in his Life, seems to have preached some time among his countrymen in the Cumbrian kingdom, of which his father Caunus, or Navus, had been King. But as this is controverted by these three learned Englishmen, and as I do not propose to enter into controversy, I shall drop Gildas, and proceed to the illustrious Ninianus, commonly called *St Ringan*, about whom there is no dispute, but that some will have him to have been born in Wales, and others in Galloway. Be that as it will, it is universally agreed in that he was a Bishop, and that he fixed his See at a place of his own country which, because, says Bede, he built a church there of stone, contrary to the British custom, was from that called Candida Casa, or Whithorn, and this was some time about the year 430. This account we have given us of St Ringan by Bede, who wrote anno 731; by Alred, Abbot of Reevaulx; by William of Malmesbury, and by John Tinmuthensis, Englishmen; and by the Scots historians, John Fordun and Hector Boece, from all whom we learn he died before the year 440. Bishop Usher is of opinion that St Ringan had not an immediate successor in the See of Whithorn, but that it was translated sometime after, or rather united to, the See of Glasgow by Kentigern, or St Mungo, the principal Apostle of the Cumbrian kingdom, or of Galloway, of whom we shall now speak.

This man, according to most historians, was grandson to a King of the Picts, and supposed to have been the son of Eugene III. of Scotland. His history, written by Joceline, a monk of Furness, and dedicated to Joceline, Bishop of Glasgow, like all the other histories of these times, looks somewhat like a legend, and upon that account gives some offence to the polite tastes of the present age. However, we are told, and sure there is nothing improbable in the narration, that in the twenty-fifth year of his age he was made a Bishop, and took up his residence at a place of the Cumbrian kingdom called *Glasghu*—that some time after, being driven from thence by the King of the country, he went to Menevia in Wales, where the pious St David was then Bishop—that in that neighbourhood he built an Abbey, and erected a Bishop's See at Elwy—that being called home to Glasghu by Roderic, then King of Cumbria, he left the See of Elwy to his scholar St Asaph, and returned to his own country with a number of companions, and restored the purity of religion, which had decayed much after his banishment—that after this he had a meeting with St Columba, before Brudeus, King of the Picts—and that at last, about the year 600, he died, and was buried at Glasgow. John Tinmuthensis and our Spottiswoode say he lived one hundred and eighty-five years, which indeed in those days, and considering the extraordinary plainness and regularity of his way of living, was not impossible. And so by this account, his birth would be about the year 420, which will not fall in with the times of Eugenius III., or of Lothus, King of the Picts, who are said to have been contemporary with King Arthur, about the year 540. But, then, at this rate St Mungo would be contemporary with St Ringan, and his erecting the Bishopric of Glasgow in the twenty-fifth year of his age would be but a few years after St Ringan's death, and so the See of Whithorn would not be long vacant before it was united to Glasgow. Archbishop Usher, to reconcile the chronology of his birth with the time of Eugene III. is of opinion that he lived only eighty-five years, which will bring down his birth to the year 515 or so, when Eugene was a young man, as he is said to be when he begot St Mungo. But this will jar with another circumstance—his being educated by St Servanus, who was a disciple

of Palladius, and was by him made a Bishop eighty years before St Mungo was born, which would make Servanus at least one hundred and forty years of age when he was St Mungo's master. The truth is, the historians of these times were not exact chronologers, and contented themselves with relating the more remarkable passages of a person's life, without being very punctual as to the precise time and year. Collier, in his short account of him, says he died about the year 560, though both Tinmuthensis and Hector Boece tell us he had a meeting before the King of the Picts with St Columba, who came not over to Britain, as Usher observes, till the year 563.

All that can be said of certain about St Mungo is, that he was the principal instrument of introducing Christianity, and planting a church in the north part of Galloway, as St Ringan was in the south of it. However, the frequent incursions made into this country by Saxons, Picts, and Scots, a little before and about the time of St Mungo's death, were very prejudicial to the Church; and, as is to be gathered from all the histories of those times, in the midst of such disorders it was not easy to preserve a succession so distinct as in times of peace and quiet, so that a true account of the state of Christianity in those parts cannot be expected. Till the year 731, that the Northumbrian Saxons got some footing in those parts, at which time we find Picthelmus, Bishop of Candida Casa, or Whithorn, who had five successors, Frithwald, Pechtwin, Ethelbert, Beadvulph, and Heathred, till about the year 790; and then, on the Picts and Scots possessing themselves entirely of the country, Hector Boece tells us the people came under the inspection of the Bishop of Man, and continued so till Malcolm III. restored the See of Whithorn, or Bishopric of Galloway, as it was at the Revolution. We cannot tell so much of the See of Glasgow, in which between St Mungo's time and the reign of Malcolm III. we have no sure account of any Bishop, though it is not probable that the Church there was quite extinct, or without governors all that time.

But to inquire into the succession of Bishops in every part of the kingdom is not my present design, and would swell the Letter to too great a bulk—all I propose being to take notice of the beginning of Christianity, and settlement of the Church among us at first. And from what I have already

said, it may be known, I hope, how and by what steps the Christian religion was at first preached to the people between the Roman Walls, now commonly called, by way of distinction, the South of Scotland. So I proceed to take a view,

II. Of the Picts, that ancient and once famous nation, illustrious in the Roman annals under the general name of Caledonians, and only known by the title of *Pichti*, Picts, about the year 297 after Christ. The Caledonians, in the beginning of the Roman Empire, had their residence, as Tacitus, a creditable Roman writer, tells us, be-north the Friths of Forth and Clyde, which he calls Bodotria and Glotta ; and so warlike were they in those days, and so stout in defending their liberties, that neither the general Agricola, who subdued the rest of Britain, nor the Emperor Severus, who lost 50,000 men in an expedition against them, could reduce them to the Roman obedience. I know it is said by some that these Caledonians were the same people with the Scots, and hence, whatever great things are recorded by the Roman writers concerning the Caledonians, are attributed to our Scottish ancestors. But besides that this contradicts the general current of antiquity, even Buchanan is positive that the Caledonians were they who in after times were called Picts, and he proves it against Luyd from that same passage of the orator Eumenius, which Luyd had quoted to prove the contrary. It is agreed in by all that speak of the Caledonians that they were of German extract ; but as Germany in those days included a vast deal of more lands in it than now, it is not certain whether they came from Scandia in the north, or from Gaul in the south of it. Archbishop Usher is of opinion that the Picts were only a new people that came in upon the Caledonians in process of time, and he instances in three different incursions they made. First, in the time of the Emperor Vespasian, as he tells us from Geoffrey of Monmouth, Matthew Florilegus, John Rouse of Warwick, and an anonymous Chronicle of Britain, at which time, say these authors, the Picts came from Scythia under their general Roderic, and began to lay waste Albania, but were encountered and defeated near Luguballia now Carlisle, by Marius, son of Arviragus, King of Britain, who slew Roderic, and gave his followers the north part of

Albania, called Caithness, to dwell in. Again, the same Geoffrey of Monmouth writes, that under the Emperor Severus one Fulgenius, from the south of Albania, went to Scythia, and brought over a colony of Picts against Severus; and that some time after, in the reign of Dioclesian, the tyrant Carausius gave that colony a settlement there, where they incorporated with the Britains, and continued ever after. The third time, it is said, was under the Emperors Gratian and Valentinian, who made use of their assistance against the usurper Maximus; and Geoffrey of Monmouth particularly says, that Guanius, King of the Huns, and Melga, of the Picts, came into Britain, and laid waste Albania, &c.

As to these stories, it must be owned their principal relator, Geoffrey of Monmouth, does not deserve much credit; but yet it is probable there might have been some foundation for his report. That towards the decay of the Roman Empire the northern nations of Germany were in a continual stir from place to place, is well known; and no doubt some bodies of these wanderers might have come over in quest of a dwelling to the north of Britain, which after writers, not remembering that the name of the whole island was Britannia, have supposed to be the north of what is now called England. Particularly, we have a tradition that about these times the Catti, with their Prince or Chieftain, settled in the north of what is now called Scotland, and called that tract of land after their own name Cathaness; and that this might have given rise to the story of the Picts being defeated by the British Marius may be drawn from this, that it is said he gave them Caithness to dwell in. Besides we read much about that time (as in such confused accounts we are not to look for chronological exactness) of a British people of the name of Attucotti, or Attacatti, in conjunction with the Picti and Scoti, whom Camden observes to have been wrote in some manuscripts *Cattili* and *Cattacotti*, and so by the resemblance of the name, and considering that before this time the Catti were settled in Scotland (before 360, when Ammianus Marcellinus mentions the Picts, Scots, and Attacotti), it is possible these Attacotti were the Chatti, and might have been the same with those Picts, to whom the old tradition says Marius gave Caithness to dwell in. However, this is but a conjecture of my own, which I shall leave to others to inquire into.

But that the Picts in after times were the same people with the old Caledonians, only under a new name, Father Innes has sufficiently made appear: and gives a reason for this change of their name, from their still keeping up the old custom of painting their bodies, after the South Britons had, by their intercourse with the Romans, given it over. Though indeed, when it is considered that the old Britons called them Phychthead, and the Saxons Pichts (as they are commonly called to this day among ourselves when we speak of them), it is hard to determine whether the Britons gave them the name from the Latin *Picti*, or the Romans the name Picti from the British Phychthead.

Whatever be in this, it is plain that that very nation in the north parts of Britain, which Tacitus and the following Roman writers to the year 290 call always the Caledonians, were from that time, from whatever cause, called Picti, under which denomination we meet with them in all succeeding historians. That they possessed all the north of Britain, that is, all beyond the Friths of Forth and Clyde (except, as we shall see afterwards, a few of the western countries), is known to all that have read any thing of their history. Ammianus Marcellinus, as quoted by Buchanan and Father Innes, divides them into two divisions—the Deucaledones and Vecturiones; and Camden in his Britannia observes that *Dicaledones* signifies those that inhabit to the right hand, as *Vecturiones* signifies the inhabitants towards the left hand. Usher shows that among the old Britons, from whose language Camden derives this etymology, by the *right* is always understood the *south*, and by the *left* the *north*; so that when Bede says that the North Picts were separated from the Southern by a terrible and steep ridge of mountains, by the *South Picts*, he means the *Dicaledones*, and by the *North* the *Vecturiones*, who, the historians of those times say, were parted from one another by the Grampian Hills, then called *Drumalbin*. There is no contradiction made that all the country between the Grampian Hills and the Forth belonged to the Picts, the only question being as to the rest of the kingdom to the north of these hills, which some imagine was possessed by the Scots; though both from Bede, who wrote one hundred years and more before the abolition of the Pictish monarchy, and from Adamanus, a Scotsman,

who wrote before Bede a good while, be is plain that the northern parts of what is now called Scotland belonged to the Picts too. And even the Orkney Islands, to the north of Caithness, as appears from several passages of Adamannus, in his Life of St Columba, were either a part of the Pictish dominions, or at least tributary to them. And Archbishop Spottiswoode, in the Manuscript Cura of his History done by himself, and mentioned by Bishop Nicholson in his Scots Historical Library, says the Isles of Orkney were possessed by the Picts while that kingdom stood. So that the Caledonians or Picts are to be reckoned the inhabitants of all the north parts of the Isle of Britain, from the Orkneys to the Firth of Forth, except the Western Isles, and some countries over against the Clyde to the north.

The beginning of the Pictish monarchy is variously fixed, foreign writers making them elder, and Scottish writers making them younger than the Scots. But as to the number of their kings, the truest account seems to be that which makes them seventy-six from Cruidne, son of Kynne,[1] their first King, to Kenneth Macalpin, in whose person their kingdom was united with that of the Scots. But though they were all for so long time the subjects of one King, yet we do not find that they became Christians all at the same time. The Deucaledones, or South Picts, by being in the neighbourhood of the Britons between the Walls, had the opportunity of hearing of the Gospel sooner than the Vecturiones, or Northern Picts, who, it may be well thought, for want of such an intercourse, would continue longer buried in heathen ignorance. Yet we cannot say that even these South Picts could well be called Christians till St Ringan's time, after the year 400. We have already seen what an useful instrument this holy man was in planting Christianity among his countrymen the Cumbrian Britons. His pious labours were not confined to them only, for Bede tells us the Southern Picts had a good while before his time received the faith of the truth by the preaching of that reverend Bishop and holy man, Ninian, of the nation of the Britons, &c. And John Fordun, after having observed his erecting the See of Whithorn, or Candida Casa, adds, that he preached likewise to the nations of the south parts of the

[1] Or Cynge.

kingdom beyond the Scottish Frith, &c.; and Hector Boece calls him the *Doctor of the Picts*, &c. And in the old Collect, which, as John Major remarks, used to be said in the Office for his Festival, September 16th, we read—"O God, who by the doctrine of the holy Ninian, Bishop and Confessor, didst teach the people of the Picts and Britons." Indeed, some writers, among whom is the Englishman Ralph Higden, in his Polychronicon, seem to think that these Southern Picts were the inhabitants of that midland country between the Walls, which comprehended Laudonia and Cambria or Galwedia. But all histories agree that in St Ringan's time this tract of land was possessed by the Britons in obedience to the Romans; and that even when Bede wrote, anno 730, the Picts were not the only people there, but were mixed with Britons and Saxons. Besides that, the several histories of St Ringan's life do make a distinction between his converting the Britons and converting the Picts; and the Collect above-quoted mentions the Picts and Britons as two separate people, which, indeed, in St Ringan's time, who died soon after the year 430, they were. Indeed, his fixing an Episcopal See at Whithorn, might give rise to this opinion that his labours did not extend be-north of the Friths. But on comparing his life with the accounts we have of the life of St Mungo, it will appear that he only begun the work there, and that the glory of perfecting it in those parts was reserved for St Mungo; whence in several old charters the Diocese of Glasgow, which for a long time reached over all the Cumbrian kingdom, is called *Diœcesis Sti Kentigerni*, the *Diocese of St Mungo*, and the Cathedral of Glasgow is to this day called St Mungo's Kirk; and from the above Manuscript of Spottiswoode's History, Bishop Nicholson supplies the blank to be found, p. 112 of the printed copy, with the three first lines of St Mungo's hymn—"O sacer Antistes, Regis clarissima proles, per quem Laudonia nitet et jam Cambria tota, magnaque pars Scotice fides convertitur almæ;" i. e. O holy Prelate, royal offspring, by whose labours both Laudonia and Cambria (the same as we have seen with Galwedia) do shine, and a great part of Scotland (as these countries were) is converted to the pure Faith." As St Mungo, therefore, was the Apostle of that place of the country then possessed by

Britons and Picts mixed together, so St Ringan was the Apostle of the country between the Friths and the Grampian Hills, possessed by the Decaledones, whom Bede calls the Southern Picts. Here, as the author of his Life relates, he ordained priests, consecrated Bishops, divided the country into districts, and having confirmed the people in the faith, he returned to his own church, i. e. to Whithorn.

Yet this seems to contradict what the Scots Chronicle says, that in those times the principal Pontifical See of the Picts was at Abernethy, when there was but one Bishop in the kingdom. Whether the Church was cantoned out into several divisions by St Ringan, I shall not say. It is certain he was the first that introduced Christianity to any pitch into that part of Scotland, though indeed he had not the happiness of converting the King that then reigned over the Picts. And so all the progress that Christianity seems to have made for a good while after St Ringan's death was not much, yet it is probable there was a Church founded at Abernethy during this interval; for in the above Chronicle of the Picts produced by Father Innes, out of the King's Library at Paris we find that Necton Morbet (or as another Catalogue out of the Register of St Andrews calls him Necton Theliamot), son of Erp, and brother to Drust, in whose reign St Ringan preached, in the fifth year of his reign, anno 460, offered—*immolavit*—Abernethy to God and St Brigid, in presence of Darludach, Abbess of Cell—Daraide in Ireland, who sung hallelujah over that offering. The Chronicle adds—" Necton the Great, son of Urp, and King of all the provinces of the Picts, gave Apurnethige to St Brigid, even to the day of judgment, with all its pertinents lying from the stone in Apurfeirt to the stone besides Cairfuil, i. e. Lethfoss, and thence as far as Athan. The reason of this gift was this: Necton being in exile, on his brother Drust banishing him to Ireland, begged of St Brigide to pray to God for him. She accordingly prayed and said to him, Thou shalt return to thine own country, the Lord will have mercy upon thee, and thou shalt possess the kingdom of the Picts in peace."[1] We have no account that this Necton Morbet was a Christian, yet there is no improbability in his making this grant out of regard to St Brigid, and on his seeing

[1] Innes, vol. ii. p. 778.

the regular and exemplary lives of the primitive Christians; as we read of many heathen Princes that thus befriended the Christians, such as the Emperor Alexander Severus. Constantius, the father of Constantine the Great, &c.; and as the English historians write of the British King Arviragus, who though a Pagan, yet they say gave twelve hides of land to the monks of Glastonbury. However, it seems this was an objection so great against the antiquity of this donation, in the opinion of Archbishop Usher, that he makes the Necton who gave the grant of Abernethy, to be that Necton, son of Derili, who lived anno 710, one hundred and fifty years after this Necton Morbet. But this contradicts the account to be found in the Chronicle I have quoted, which Father Innes on good grounds shews to have been the exactest Catalogue of the Pictish Kings that is extant; and as to this distinct narration of the first foundation of the ancient church of Abernethy, he observes that it seems to have been written by some of the members of that church, and if it be genuine, as we have no just reason to suspect it, it is as valuable a piece of Church antiquity as we have. There can little more be said with any certainty about the state of Christianity among the Picts for one hundred years after this, till the time of Brides, or Brudeus, son of Meilschon, who was converted and baptized, anno 565, by the famous St Columba.

It was this holy man who was the glorious instrument of bringing in the Northern Picts to the faith of Christ, as St Ringan had done the Southern; and not only the people, but likewise the King himself, were his disciples. The Life of St Columba was written soon after his death by Cumineus Albus, and more fully by Adamnanus, both Abbots of Hy. I shall not enter into the debate whether he was a Scotsman or an Irishman. It is said he was of Noble parentage, born about the year 520—that he was Abbot of several monasteries in Ireland—that in the forty-second year of his age he came over to Britain, and had the island Iona given him, not, as Bede says, by the King of the Picts, who, it is certain, at that time had no dominion in those parts, but, as Usher relates, from the annals of Tigernach and Ulster, by Conal, or Conval, King of the Scots—that in the year 565 he went to the Court of Brudeus, King of the Picts, who at that time, as Adamnanus tells us, had his habita-

tion on the other side of Drumalbin, or the Grampian Hills, to the northward of Lochness, and who, as we learn from the same Adamnanus, and from the Life of St Congal, and from St Columba's Office in an old Scots Breviary, was a Pagan or Gentile King when Columba came to him, and even shut his gates against him. The Pictish Chronicle already quoted, and the Catalogue of the Pictish Kings in the Register of St Andrews, both agree in this, that in the ninth year of his reign, this King Brude was converted and baptized by St Columba. Hector Boece writes that Columba only recovered Brudeus, who, he says, lived in Laudonia, from the Pelagian heresy. But, to be sure these old writers, Cumineus, Adamnan, and Bede, who lived so near Columba's time, are more to be credited in their relations, and they all join in the account I have already given. We shall have occasion to touch at some more particulars of Columba's life after this. In the meantime it seems to be plain that after this conversion wrought by him the Pictish nation continued Christian, and began to have churches planted among them. One of King Brude's successors (the Scots Chronicle says it was Garnard, son of Dompnach, his immediate successor; the Register of St Andrews before-mentioned calls him Nethan, son of Ub, who succeeded Garnard) built the collegiate church of Abernethy. By which it would seem there had been no church built there upon the donation of Necton Morbet, spoken of before; or if there had, it is likely this Christian prince had either enlarged the old edifice, or erected a new. Be that as it will, it is evident the foundation of a church at Abernethy is the ancientest we have any certain account of in the Pictish kingdom. The next church we read of among them is the church of Dunkeld, built by Constantine, son of Urguist, about the year 790, though John Major, by the authority of a different copy of the Scots Chronicle, will have the foundation of the church of Dunkeld to be but twenty-six years after Abernethy, which will carry it up to the year 620 or so, under the reign of Garnard, son of Wid. But as to the building of the third famous church of the Picts, St Andrews, or as it was then called, *Kilremont*, all historians unanimously say it was built after the year 820, by Hungus, son of Urguist, upon occasion of a miraculous victory over

one of the Saxon Kings, and that he gave to this church, besides other valuable gifts, the tenth of all the kingdom. I know there is a legendary story of the foundation of a Church at St Andrews near five hundred years before this, which I may have occasion to take notice of after this; but as it is rejected by critics in those things, I am not to lay any stress on it as to matter of fact. What seems undeniably certain is, that these three churches, Abernethy, Dunkeld, and St Andrews, were erected while the Pictish kingdom stood; and that under the reign of this last mentioned Hungus, religion flourished to a great degree, and the Church made a splendid figure, though, indeed, there be few particulars left on record concerning these times. After him, it would appear, matters went not so well on with the Church; for in an old Chronicle about the Scots Kings, from Kenneth II. downwards, now in the King's Library at Paris, we read that in his days the Picts not only neglected equity, but likewise despised God and religion. And in the series of Scottish Kings in the Registry of St Andrews, we are told that the Scottish King Gregory, or as he is there called, Girg MacDungal, restored liberty to the Church, which had been in slavery by the custom and manner of the Picts. For this, these Chronicles say that God gave them into the hands of Kenneth Macalpin, King of the Scots, who abolished their monarchy, and took their kingdom to himself. And this brings us at last to give some account,

III. Of the Scoti, or Scots, another of the old nations that inhabited the north parts of Britain, from whom, though it is not to be thought that all the inhabitants of present Scotland are descended, yet they are all called now by that one general name, and the names of all their original ancestors are quite sunk into the name of Scots. That the Scots came at first from Ireland into Britain seems to be the common opinion of all our historians, and that they were a very brave and warlike people is agreed in too. But at what time they settled in Britain, and were formed into a regular kingdom, is matter of great controversy. Some writers carry them as high up as five hundred years before the Incarnation; and even Buchanan, in the end of his "Dialogue de Jure Regni," seems to countenance that stretch of antiquity, when he observes that in his time, about the year 1570,

our kingdom had stood already 2000 years. However, the bulk of our own writers bring down the original of our monarchy two hundred years lower, and fix it to the year 330 before Christ, among whom the principal are Fordun, Major, Boece, Buchanan, Abercromby, &c. But this early settlement is with as good ground and arguments apparently as feasibly rejected by others, as Camden, the Bishops of St Asaph and Worcester, Father Innes, &c. So that in a point of so delicate a nature, and which by some is thought to touch the honour of our nation so nearly, I shall not presume to affirm any thing, though indeed I must own I do incline rather to that opinion which makes Fergus, son of Erch, not Fergus, son of Ferguhard or Feradach, the first King of the Scots in Britain. Whatever be in this, it will appear from what has been already said concerning the Picts, that the dominions of the Scots in Britain for many hundred years, were not near so extensive as they were at the union of Scotland and England in the person of King James VI. And it is certain that the Scottish kingdom at first ran along the western coast, and took in only the Western Isles, with the countries of Lorn, Argyll, Knapdale, Cowal, Kintyre, Lochaber, and a part of Breadalbane. In this small spot—small in comparison of Scotland now—did the Scots dwell, under Kings of their own, for upwards of 1000 years, if what is said of their early antiquities be true. And this, indeed, is an argument urged by Father Innes against these antiquities, that it is not probable a people so fierce and enterprising, as the Scots are said and believed to have been, would have confined themselves so long within such narrow bounds; and as to the honour of the nation, he thinks it a greater reflection to suppose, that for five or six hundred years they should have been so little heard of, especially among the Roman writers, who are so circumstantial in their accounts of the other nations of Britain, and yet never once mention the Scots till the year 360, that Ammianus Marcellinus speaks of them for the first time. This, I say, Father Innes reckons a greater reflection, than to suppose that they only settled in Britain some centuries after the Incarnation, and immediately made a figure in the Roman histories, as well as against the Roman armies; and not only so, but within three or four hundred years

after that, subdued the kingdom of the Picts—a kingdom much more populous and extensive than their own, and called it ever after for the most part by their own name.

One thing will readily be granted, that for the first six hundred years after that first Fergus, the Scottish history is very dark, and little to be said particularly about them. So that though Hector Bœthius be pretty minute in his detail of their transactions during that time, yet neither John Fordun, who wrote more than one hundred years before Boece, nor Buchanan, who not only wrote, but in most things even copied, after him, are near so circumstantial as he is, which gives people good reason to suspect a great many of Hector's narrations, and even to question the foundation he goes upon altogether. But from the time that the Scots are first to be found in the Roman histories they appear a very considerable people, perpetually harrassing the Roman territories in Britain; and after the Romans left Britain for the last time in 426, distressing the poor Britons themselves, and in conjunction with the Picts, enlarging their dominions and making themselves masters of many of the British lands, till in process of time they fell out with the Picts too, and, after various ups and downs of fortune in their contests with them, at last got the better of them, and brought them totally and for ever under their subjection. This shews what a bold and daring people the old Scots were. For at that time the Picts were no despicable nation. One of their Kings, Brude, son of Bili, in 685, had killed in battle Egfrid, a potent King of the Northumbrian Saxons; another of them, Kinoth, son of Wirdech, in 773, gave shelter and protection to Alured, a Saxon King, as did one of his successors, Constantine, son of Urguist, in 794, to Osbald, another Northumbrian Prince; and Hungus, that came after Constantine, defeated one of the Saxon Kings with a remarkable overthrow. The most of all this happened near the latter end of their monarchy, yet brave and valiant as they were, they were forced to yield to the victorious arms of the Scots under the magnanimous King Kenneth, son of Alpin. It is true, Kenneth was the lawful heir of the Pictish kingdom, and so had an undoubted right to maintain his claim. But by the histories of these times, and by the attempts that

the Picts made to keep him out, we may reasonably conclude it was more owing to Scottish courage than Pictish equity that Kenneth came at last to wear the Pictish crown.

It is reported by some writers that Kenneth quite destroyed the Picts, and left none of them alive within the kingdom. But besides that this would have been a piece of the worst of policy to render his new conquest in such a measure desolate, and that it was I may say likewise impossible to put a whole nation to such a general and unprecedented massacre, we find the thing is not true in fact. Not only the people themselves, but even the very name of Picts, remained for a long time. Kenneth himself, and several of his successors, are called in old annals Kings of the Picts. In 875 more than thirty years after Kenneth's victory, Asserius, an ancient Welsh historian, says the Picts, among other nations were invaded by the Danes: Ingulphus, Abbot of Croyland, says, the Picts made a part of our King Constantine's army in the battle of Brunford against the Saxons in 937: Huebald, another writer about that time, speaking of the inhabitants of Britain, tells us there are in it many nations—Britons, Saxons, Picts, and Angles, without ever mentioning the Scots, which is something remarkable. In the Acts of St Editha, quoted by Tinmuthensis, &c. we read of the Pictish clergy after the year 985. In the twelfth age, the author of the Life of St Mungo calls Galloway the country of the Picts; and Ralph, Archbishop of Canterbury, at that same time, in a letter to Pope Calixtus, calls the Bishop of Galloway *Bishop of the Picts:* and in the battle of Northallerton, under our King David, the Saint in that age, Dr Abercromby observes the English historians gave the name of Picts to the Galloway men. And, which seems to put it out of doubt that the Picts were still looked upon after the conquest as a part, and a very numerous part, of the subjects of this nation, is this, that our Kings adopted St Andrew, the Patron Saint of the Picts, to be the Patron of the now united people; as we read, in particular, Malcolm Canmore did in his march against the rebels of Moray, and as is well known to be in use even to this day. Indeed, by length of time the Scots, as being the victors, had the honour of giving their name to all the kingdom; and whereas before Kenneth Macalpin's days they were called Dalreudians, or Scots in

Britain, to distinguish them from the people of Ireland, who in those days were called Scots too, and their kingdom in all ancient authors called *Dalrieda*, or *Dalriata*, as the kingdom of the Picts was called *Pictavia* or *Pictivia ;* so, after King Kenneth's time the united kingdom began to get the general name of Albania, and the several nations who before had been Britons, Picts, part of Saxons and Danes, came at last to join in one common denomination, and to be known under the name of Scots. Thus much may be said with some measure of certainty, and will be agreed in by all concerning the Scots, and it shall be all I shall take upon me to say about their original settlement in Britain, without raking into their old antiquities, either to prove or confute the narration of Fergus I. and his thirty-nine successors, which people may believe or not, as they are inclined by reason or fancy.

I shall next, as is my principal design, endeavour to say something about the time and manner of these Scots being converted to Christianity, since it is found that our nation, now-a-days, pretends a sort of veneration for the religion of their ancestors, and each party among us is positive that themselves have the nearest resemblance to these early times. I shall at present pass by the common notion that our first Christian King was Donald I., about the year 200 after Christ, because I will have occasion to bring it under examination more fully before I have done, and shall say nothing anent the face of Christianity among us for two hundred years after that era, till more credible histories bring us to the story of Palladius, who by all writers is said to have been a chief apostle of the Scottish nation. Yet these writers are far from being unanimous as to the native country of this memorable man, though they all agree in calling him a Grecian. Some are of opinion he was that same Palladius, Bishop of Helenopolis, that wrote the Life of St John Chrysostom, but this is contradicted by Vossius aud Usher. All that seems to be said of certain concerning him, as is to be gathered from Nennius the Briton, Probus Hibernus, Joceline, Tinmuthensis, &c., is, that in the year 430, Pope Celestine sent him over (as Prosper in his Chronicon says) *ad Scotos credentes in Christum*—" to the Scots that believed in Christ ;" by which expression it would appear the Scots were Christians before

his coming. These old writers I have mentioned tell us he came first to Ireland, to preach the Gospel there, where, they say, he met with little success, God having reserved Ireland for St Patrick. Our historians Fordun, Major, Boece, Lesly, &c., write that he came to Scotland in the reign of Eugene, the son of Fergus II.—that he ordained Servanus, one of his disciples, Bishop of the Orkneys, and Tervanus, another of them, whom he baptized when an infant, Bishop of the Picts—and that at last he died at Fordoun in the Mearns, where to this day his memory is kept up, even under the present Establishment that rejects all memorials of Saints, by a yearly market called *Pady Fair*. Tinmuthensis says he died in the country of the Britons, and Usher quotes Tirechanus, observing that it was an ancient tradition that he suffered martyrdom among the Scots. But the general consent of writers is, that he died at Fordoun, which, it is well known, at that time belonged to the Picts; and Boece says, in the year 1490, Shevez, Archbishop of St Andrews, took up his relics, and with great reverence and solemnity laid them up in a silver box. There is a great diversity of opinions, likewise, how long he lived after he came to Scotland, or, more properly speaking, to the Scots in Britain. If it be true that he baptized Tervanus when a child, as it is said he did, and ordained him at last Bishop of the Picts, he must have lived a good while; and, indeed, Polydore Virgil, in his History of England, brings him down to the reign of Constantine, who succeeded his brother Dongard in the year 457. But, then, on the other hand, historians that lived nearer Palladius' time seem to insinuate that he died soon after his coming over; and in St Patrick's Office it is said, that Patrick came to Ireland after St Palladius had left it with little fruit of preaching, and was dead in the country of the Picts, from which Usher concludes, it is not probable that he lived beyond the year 432, and so could not both baptize Tervanus when a child, and ordain him a Bishop too. As to the ordination of Tervanus, both Boece, Lesly, and Spottiswoode join in it, and it is possible the mistake as to chronology might have taken its rise from Boece's saying that he was a child when Palladius baptized him. The nation at that time was not universally Christian, even in the account of

those that carry its conversion farthest back, so that Tervanus might have been a man when converted and baptized, and might in a year or two's time, as we find many such instances in Primitive histories, be made a Bishop for his singular zeal and abilities; and Boece might say he was baptized in his infancy, to countenance his scheme of the nation having been so long Christian, which would not have been so likely, if there had been found an instance of adult persons being baptized so many years after their first conversion. Whether it be so or not, we may well believe that Palladius was here—that his errand was to advance religion and the faith of Christ among us—and that he died, and was buried, in our country. But as to any particular of his employment—what he did, or how long he lived, I find so much variety and even opposition of traditions concerning him, that, as I do not well know what to credit myself, I shall not pretend to dictate to or impose upon others. From his time it is certain Christianity flourished among the Scots by the joint labours of SS. Ringan and Mungo, whom we have spoke of already, and of St Patrick, the Apostle of Ireland, who was born in the north parts of Galwedia, or Galway, in Britain, near the town of Nemthur, the same which Alcluyd, about the year 370, and, after having undergone various vicissitudes of fortune, was at last ordained a Bishop by Pope Celestine, and sent over to Ireland the next year after Palladius, anno 431, where, with incredible labour, he planted the Gospel in such parts of the country as had not yet received it; and having settled the Church in some kind of order, he died in the hundred and twentieth year of his age, anno 490. This St Patrick, I say, did not neglect his native country of North Britain, but was very useful and assistant to the other instruments of that good work, in bringing people into, and confirming them more and more in, the Christian Faith.

We have seen how in process of time the Northern Picts, with their King Brude, were converted by St Columba, from which date, as all the inhabitants of the old Caledonia, or North Britain, were now become Christians, so we find they remained so ever after, though as to particulars with respect either to the Pictish or Scottish Church, further than what I have touched at, we are not to look for an exact or orderly

account in these ancient and obscure ages. And, indeed, in strict speaking, the beginning of the Church of Scotland, according to the modern idea of it, is to be fixed only under Kenneth Macalpin, after the conquest of the Picts, who till that time, as they were a separate kingdom, so they were a separate Church too. The foundation of three famous churches among them—Abernethy, Dunkeld, and St Andrews, has been remarked already, and perhaps there might have been as many several Bishops in these churches; though, indeed, I know it is said there was but one Bishop in the Pictish Church, whose See was at Abernethy, and that for the first four or five hundred years our Scottish Bishops had no fixed residence, but exercised their office in any part of the kingdom, wherever they came. However, that there had been a succession of Bishops over the Picts, to the very abolition of their Monarchy, cannot be well refused, and as we read of their last King Drusten [Drust], so we find mention made of their last Bishop, Tarnanus, too.

Usher, indeed, by quoting out of Ferrarius the memory of St Ternan, Bishop of Lismore in Ireland, seems to suspect the existence of the Pictish Ternanus; but that there was such a man may be gathered from this, that to this day there is a church in the neighbourhood of the Grampian Hills, in part of what was the country of the Northern Picts, called after his name Banchory-Ternan, on the north side of the river Dee, near which, too, there is an yearly fair or market held about the middle of June, which is the time assigned by Dempster for the Festival of Ternanus, called after him, too, St Ternan's Fair. Many of our Scottish markets are titled after our old Saints, and at this day seem to be all the memory we have of them, or regard we pay to them, such as St Serf's (or corruptly *Sansares*) Fair, after St Servanus, the disciple of Palladius, and instructor of St Mungo; Pady Fair, after Palladius himself; St Margaret's Fair, after Queen Margaret, &c. &c.; so, in all probability, this St Ternan's Fair, after this Pictish Bishop Ternanus.

Let this be admitted or not, as people's humour directs them, we have good authority to say that King Kenneth, on his victory over the Picts, did not neglect the affairs of the Church; for it is unanimously related of him that he had a great concern about religion, and, as a

step towards introducing order into the Church, he translated the Episcopal See from Abernethy to Kilremont, which he ordered to be called St Andrews, and the Bishop of it *Maximus Scotorum Episcopus*, the *Chief Bishop of the Scots*—which, by the bye, is a sign, I think, that even at that time there were more Bishops in the Pictish Church, then united to the Scottish Church, than one. It is said that Kenneth made a body of Laws both for civil and ecclesiastical matters, which had the title of "*Leges Macalpinianæ*"—the *Macalpin Laws*. Collier, in his Church History, has given us an abstract of them, but Bishop Nicholson, in his Scottish Historical Library, upon the authority, as he says, of the most judicious civilians of Scotland, seems to question the genuineness of these Laws, and observes we had no written laws till Malcolm Canmore's time, about two hundred years after King Kenneth. This difference of opinions shall be left to be adjusted by those whose proper business it is; all that lies to my hand is only to point out what we are told he did for the Church, and in what condition he settled it. That a careful Prince he was in these affairs is allowed by all; but yet his care would not reform abuses in, or retrieve the situation of, the Church in the Cumbrian kingdom, where, though his victorious arms did force the Picts of that country to subjection, yet such were the disturbances that were occasioned both in his time and under his successors, by the incursions of the Saxons and frequent devastations by the Danes, that nothing could be done for establishing or repairing the two old Sees of Whithorn and Glasgow. Yet we cannot doubt but there was some appearance of religion and devotion in these parts all the time, and, in particular, it seems there was a certain reverence paid to Whithorn on St Ringan's account, as we read of Kenneth III., about the year 970, going a pilgrimage thither. It was this Kenneth's son, Malcolm II., who in memory of a signal defeat given the Danes at Murthlach in Mar, erected there a Bishop's See in 1010, which afterwards, about the year 1120, King David the Saint translated to Aberdeen. King Malcolm III., commonly called Canmore, by the persuasion of his pious Queen St Margaret, was a great benefactor to the Church; and besides what he did for the ancient and venerable Sees of Whithorn and Glasgow, he founded the Bishopries of

Moray and Caithness about the year 1060, and so enriched both the four old and his own two new foundations, that from his time the Bishops were fixed to particular Sees, and the Church, by joint consent of Kings and Bishops, cantoned out into Dioceses. His son St David rather went beyond his father's piety, and added four Bishopricks more—Dunkeld, Dunblane, Brechin, and Ross, over and above what monasteries he endowed, and what other donations he bestowed on the Church, which were so considerable, that one of his successors, James VI. of Scotland, used to call him a *Sore Saint for the Crown*. This, indeed, is the only shadow of an imputation that can be thought of against that wonderful Prince, from which Dr Abercromby, in St David's Life, does largely vindicate him, as, to be sure, none that wish religion well could blame the liberality of pious monarchs to its ministers and clergy.

The other four Bishopricks of Scotland—The Isles, Orkney, Argyll, and Edinburgh—are of posterior dates, and have been erected since St David's time. Indeed, if what Hector Boece says of Amphibalus being Bishop of Man before the year 300 were true, it would make this Bishoprick the oldest in Scotland. But from the Chronicles of the Isle of Man, and from all the writers of St Patrick's Life, it is plain St Patrick was the first that settled a Church there, and made one Germanus the first Bishop after the year 430. After the Norwegians had seized Man and the Western Isles, which their own historians say their King Magnus conquered from Malcolm Canmore, but our writers affirm were basely yielded up to him by Donald Bane, Malcolm's brother, who usurped the kingdom after Malcolm's death about the year 1093—after this, I say, there was a Bishop appointed by them for Man and the Western Isles, where Wermundus was first consecrated ; after him one John ; and after him we read of Simon Sodorensis Episcopus, or Bishop of Man, who died in 1247, and was succeeded by Laurence. In 1263, there broke out a war between Haco, King of Norway and our Alexander III., the event of which was, that by the Peace agreed on at Perth in 1266, the Kings of Norway should for ever renounce all title to Man and the Western Isles, and the Kings of Scotland, on consideration thereof, should pay one hundred merks a-year, which was

on that account called the *Annual of Norway*. On this, one Mark, a Galloway man, was chosen Bishop of Man in 1275, and was sent to the Archbishop of Drontheim in Norway, his Metropolitan, to be consecrated, which continued the custom till the year 1348, that William Russell was consecrated Bishop of Man at Avignon by Pope Clement VI. In process of time the Isle of Man came under the English dominion, on which change of masters the Diocese of the *Sodorensis Episcopus* was divided into two, the one called *Sodorensis Episcopus*, or Bishop of Man, subject to the English, and under the Archbishop of York as Metropolitan. The other was called *Sodorensis Episcopus* too, or Bishop of the Isles, subject to Scotland, and under the jurisdiction of the Bishop of Glasgow, in which settlement it remained till the late dissolution of the Bishopries about sixty years ago.

As to the Bishopric of Orkney, we have little certain account of its first establishment. It is said Servanus was consecrated Bishop of the Orkneys by St Palladius about the year 430; but from St Columba's Life, written by Adamnus, we learn that more than one hundred years after this, Columba sent some of his monks thither, and that the Regulus, or Prince of the island, was at that time a Pagan. When Kenneth Macalpin conquered the Picts, we find the Orkneys came under his subjection, along with the rest of the Pictish dominions; but we can say little about the state of the Church there for some time. We do indeed read of the Bishops of Orkney, or of the Orcades, though we cannot tell who was the first Bishop. It seems the Isles of Orkney (and perhaps of Shetland too) were torn from the Crown of Scotland, with the Western Isles, as before said, about the year 1093; and though Alexander III. recovered the Western Isles in 1266 by a treaty, yet Orkney continued a part of the Norwegian kingdom till the year 1468, that they were pledged to our King James III. by Christiern, King of Denmark, in lieu of portion with the Princess Margaret, whom James married, as were the Isles of Shetland likewise the next year. Scottish historians say that on the birth of James IV. his grandson, King Christiern gave up all claim that he or his successors might have to all or any of these Islands; but the Norwegian writers deny the fact, and Dr Abercromby seems not to give much faith to it.

However, what controversy might have been concerning these Islands was taken away about one hundred years after by James VI., who went over in person, and married Anne, daughter to Frederick II., King of Denmark, and thereby, by way of portion, obtained the property of these Isles to the Crown of Scotland, irredeemably and unalienably for ever. Yet both under the Norwegian and Scottish government, Orkney had Bishops, to whose inspection the Islands of Shetland belonged. Thus, we read of Henry, Bishop of Orkney, sent as ambassador from Haco, King of Norway, to Alexander III. in 1263; and in 1422 we find Thomas de Tholack, Bishop of Orkney, made governor of Orkney and Shetland by Erick, King of Denmark, &c., to whom the said Erick gave commission to inspect the archives and records of the country, where among other things it was found that one Regnald assisted Harold, the first King of Norway, to conquer Orkney from the Picts, and that for this service Regnald was made Earl of Orkney, from whom the Sinclairs, governors of Orkney, were descended, &c. After James III. was put in possession of Orkney, the Diocese of Orkney was made a part of the Scottish Church, and continued from that time to have its own Bishops like the other Sees, till it shared at last in the common fate of Episcopacy in 1688.

The See of Argyll was a part of the Diocese of Dunkeld till the year 1200, that John Scot, Bishop of Dunkeld, consented to a division of his See, and so the western or Highland part of it was erected into a Bishoprick, and one Evald made Bishop of it, who fixed his seat at a place called Lismore. And so in like manner, in the year 1633, all that part of the Diocese of St Andrews be-south the Frith, which, we have seen, in old times was called Laudonia, was, with consent of Archbishop Spottiswoode, erected into a separate Bishoprick, with the title of the Bishoprick of Edinburgh, and Dr Forbes made the first Bishop thereof, with the church of St Giles in Edinburgh for his cathedral.

Thus we have seen how and after what form Christianity was by degrees brought into these northern parts of Britain now called Scotland, and when and by whom the fourteen Bishoprics of the Scottish Church were erected and endowed. Upon the whole, it is plain, as our kingdom is now made up of

the union of the two old kingdoms of Pictavia, possessed by the Picts, and Dalriada by the Scots, so likewise our Church, as founded in and for a long time governed according to Episcopacy, has long ago comprehended the several Churches of the Old Britons be-south the Friths of Forth and Clyde, and of the Picts to the north of them. And it is impossible to form any tolerable notion of the nature and constitution of the Church of Scotland without going so far back, and taking a view of the first institution of a Church among these several nations, to whose possessions the Scots by length of time succeeded; so that, though all the country be now called Scotland, and the Church of the nation the Scottish Church, yet we that call ourselves *Scotsmen* and *members of the Scottish Church*, are still concerned in the transactions, both civil and sacred, of these old Britons and Picts, and have a just title to the honours and glorious deeds recorded of them both as to Church and State, since by being incorporated with the conquering Scots they are to be looked upon among the ancestors of the present generation of Scotsmen. And further, from this general view it will appear that our Church, according to the clearest and most certain accounts we have, was begun at first under an Episcopal government, that is to say, governed by Bishops clothed with the same power and authority that their contemporary Bishops in other parts of the Christian Church exercised.

Yet, now a-days, we find a different face put upon this, and this account of our original Church Establishment contradicted by two different sorts of persons, whom for distinctions sake we shall call by the names they are commonly known by among us of *Presbyterians* and *Papists*. The Presbyterians, to justify their throwing off Episcopacy, and to give some kind of plausible appearance to their Parity scheme, which now after much struggling they have got established by law, do affirm that the first and earliest government of the Scottish Church was of the same nature, and after the same model, as theirs. And the Papists, though they acknowledge we had Bishops from the beginning, yet would have it believed that these Bishops were dependent upon, and in subjection to, the Pope of Rome; and that consequently, without owning this subjection and dependence, we have no title to be a Church, and are no better than

schismatics, heretics, and the rest. And against both these assaults from different and seemingly opposite quarters, we must defend ourselves by such arguments as the equity of our cause calls for, and the inspection of our early and genuine antiquities affords. I shall first consider the Presbyterian plea, which, indeed, is the most formidable enemy that our Church has to fear at home. For,

I. The *Presbyterians* say, that the first plantation of a Church in Scotland was upon the same plan with their Church, for proofs of which they think they have abundant evidence—1. From the accounts of our early conversion under King Donald; 2. From the story of the Culdees; 3. From the constitution of the famous monastery of Hy, or Icolmkill. But how lame this evidence is will be found on bringing it under examination.

First, then, they allege the accounts of our conversion to Christianity under King Donald, and our continuing Christians without Bishops from that time till Palladius, who is said by our historians to be the first Bishop of the Scots. Now, as to the history of King Donald, although all that is said of these first forty Kings, before Fergus, son of Erck, has been rejected upon apparently good grounds by late writers, yet, granting the truth of these traditions, and taking our Scottish history as we find it, there are strong objections against our having been so soon made Christians. For, 1. In all the Catalogues we have of these old Kings, from the twelfth age to Boece's time, and in the genealogy pronounced by the Highland Seanachy at the coronation of Alexander III. in 1249, which is mentioned by all Fordun's continuators, and by John Major, there is not the least word of this King Donald, nor of any name about the time assigned to him that has a resemblance of his name. Boece is the first that speaks of him, and after him Buchanan, who both insert him between Sathrael, whom the old genealogies call Frachrach and Ethodius, whom these genealogies call Eochachandoch. And how improbable is it that the name of our first Christian King should never have been heard of for 1300 years, not to ask by what means Boece came by his giving him the name of Donald? 2. The historians that speak of this conversion differ a good deal in their several accounts of it. Dempster quotes Fordun,

saying that Pope Victor, about the year 200, sent one Paschasius Siculus into Scotland, by whose labours the Christian Faith was preached with such success, that he says there never was a people more easily converted to Christ, and that there was such a concourse of converts that the priests could hardly suffice for baptizing the people. Usher observes, there is no such account to be found in the copies of Fordun; which he had, and Father Innes remarks to the same purpose that both Fordun himself, and all his continuators, such as Walter, Abbot of Inchcolm, Patrick Russell, a Carthusian, the Chronicle of Cupar, &c. mention no particulars about the lives and transactions of these old Kings, but ingenuously own—"That they can say nothing distinctly of their reigns, having never found any full account of them." Besides, that in the History of St Guthagenus, written, as Dempster tells us, among the Collections of Gilbert Brunus, we read that he was the son of Findocus, who was the fourth King after King Donald, and is said to have been a Christian too by Boece and Buchanan, yet that History bears that he was banished by his father because of the profession of the Catholic Faith, and died in Flanders, anno 299. So inconsistent are these narrations with one another, and so little a foundation to build a controverted point upon.

Boece, indeed, is very full in his relation of King Donald's conversion, but even Baronius wonders that neither Bede nor Marianus Scotus takes any notice of such a memorable event. And though Buchanan copies in most particulars exactly after Boece, yet he seems to have suspected the reality of all that Boece says on that subject. For from him we meet with nothing more but this lame account, that it helped "much to keep up peace, that King Donald was the first that embraced the Christian rites, though neither he nor his next successors, even with the favour of the Nobility, could quite root out the old ceremonies." And then, after giving a short history of Severus's expedition, and of his Wall which he built, without so much as a word of King Donald's name, he concludes all he has to say of him, with telling us—"that he died after having governed Scotland twenty-one years." Here is no mention of Donald being baptized with his wife and children—of his being the first that coined gold and silver with his own head

on the one side and the cross on the other—and that he was buried after the Christian manner, in a piece of ground which had been consecrated, according to custom, by solemn prayer, for a burial-place to Christians. All these we have gravely recorded by Boece, and if Buchanan had thought them credible, they were certainly too material to have been omitted by him.

But, 3. It is not very likely that the Scots, who at that time, by the unanimous concession of our keenest antiquity writers, were pent up in a narrow corner upon the western coast of what is now called Scotland, should have been so early and in such a formal settled way converted to Christianity, with their King at their head, while at the same time not only was there no other Christian King upon earth, except we are to believe what is storied of the British King Lucius, but even their neighbours the Picts, a nation as famous as the Scots, and nearer the confines of the Roman conquests, were as yet Pagans, and continued so by all accounts for upwards of two hundred years at least after this. This, indeed, is but a negative argument, and so by some will be thought to be of little weight; but joining it to what more I have urged against this tradition, it will, I doubt not, help to take away a good deal of force from that first part of this plea as to the antiquity of our conversion under King Donald. And in that case, the other part, with respect to Palladius being called the first Bishop of the Scots, will appear plain and natural, without in the least countenancing the Presbyterian scheme. Indeed, but it is not to be denied, that in this point their assertion seems to be grounded on the opinion of some of our oldest historians. Fordun says—"That before the coming of Palladius the Scots, following the rules of the Primitive Church, had the Faith taught, and Sacraments administered to them, only by priests or monks." John Major says the same—"That the Scots were at first instructed in the faith by priests and monks without Bishops." Hector Boece, as is usual with him, is more particular, for he tells us—"That Palladius was the first of those who bore any sacred office among the Scots that was made a Bishop by the Pope, whereas before that, the Bishops were assumed from among the monks and Culdees by the suffrages of the people." And so after these

three it is no wonder that Buchanan, a man of himself inclined that way, should go in to the same belief, and write —"That Palladius is thought to have been the first who made Bishops in Scotland. For till that time the churches were governed by monks without Bishops;" and then he adds, of himself, without any authority—" with less vanity, indeed, and outward pomp, but with more simplicity and holiness." This account delivered by no less than four of our most noted historians, is looked upon as a strong foundation for Presbyterian Parity, not only by our Presbyterians here in Scotland, but likewise by those of that persuasion in other countries, as the Bishop of St Asaph observes of the famous Blondell, that " with all his vast reading he could not find one undoubted example of a Church of the Presbyterian way in ancient times, but only that of the Scots." But even this notion of the Scots will be found not so undoubted either. As to Major, Boece, and Buchanan, it is certain they all copied after Fordun; and Fordun, it is likely, went upon the authority of Prosper, who lived about the year 430, and writes in his Chronicle that Palladius was sent by Pope Celestine, the first Bishop of the Scots who believed in Christ. Usher, in his book *De Primordiis*, &c., observes, that though in the common editions of Prosper's Chronicle, followed by Bede, Ado Viennensis, Marianus Scotus, and some other chronologers, Palladius be called *Primus Episcopus*, the *First Bishop*, yet in a more correct edition of it published by Du Chesne there is no mention of the word *Primus* first, which would quite overturn all the conclusions drawn by Fordun and his followers, if Usher's observation were to be credited, as I dare say no person—not the Presbyterians I am sure—will question either his capacity or integrity. But taking it as Bede, &c. had it, with the expression of the *First Bishop*, what service can it do the Presbyterians as to our Church of Scotland, unless they were sure that the Scots, whom Prosper speaks of in that passage, were the Scots in Britain only? For it is well known that, both before and for a good while after Prosper's time, the inhabitants of Ireland were principally called Scots, especially by foreign writers. Paulus Orosius, who lived in the same age with Prosper, says expressly that Ireland is next to Britain, and is inhabited by the nations of the Scots.

And even Buchanan does not offer to deny this, but on Orosius's testimony acknowledges that the people of Ireland were in those days called Scots. In the seventh age, Isidore of Seville, Jonas in the Life of Columbanus, Aldhelm, Abbot of Malmesbury, and Adamnan, in the Life of St Columba, all join in the same thing. In the eighth age, Bede; and in the ninth, Eginhard, Clerk to the Emperor Charlemagne; Rabanus Maurns, Archbishop of Mentz; Walafride Strabo ; Nennius the Briton ; Ratram, Monk of Corbie; and King Alfred, in his Saxon translation of Orosius—all agree in making Ireland the country of the Scots, as, not to come further down, do Theobald, in his Life of St Lebwin; Adso, in his Poem on St Mansuetus, and other writers of the tenth age. From all which it would seem evident that the Scots spoken of by Prosper were meant by him, in conformity with the language of the times, of the inhabitants of Ireland. And accordingly we find in all the writers of the Life of Palladius that he was sent first to Ireland. Possevin expressly calls him the first Bishop of Ireland. Nennius says he went out of Ireland, and came to Britain, and died in the country of the Picts. Matthew Florilegus tells us that he first preached the Word of God in Scotland, and then came to Britain, and died in the country of the Picts, where by Scotland it is plain the author means Ireland. Probus Hibernus, in his Life of St Patrick, writes that Palladius was sent by Pope Celestine to this island (that is, to Ireland, for the author wrote in Ireland), and that having at last gone over the sea to the country of the Picts, he died there. An old writer of St Patrick's Life in the Irish tongue, and another in Latin, say that Celestine sent Palladius to preach the Gospel in Ireland, and Joceline, a monk of Furness, in his life of St Patrick, says the same. So that this argument from Palladius will not hold as to the Church of what we now call Scotland, since from so many concurrent testimonies it appears his mission was principally to Ireland ; and if this shall be found to bear hard upon the government of the Church of Ireland, let them who are more immediately concerned make it their business to solve the difficulty, as, indeed, her ornament, the learned Usher, has already done, by proving among other arguments, that there were Bishops in Ireland, before St Patrick or Palladius either. But as to the Scots

in Britain, it seems Palladius had very little interest in or management of them, as the most that we are told concerning him is that he had but little success in Ireland, where he built only three small churches, and so came over to Britain, and in a short time died among the Picts. And even Boece himself, and Bishop Lesly, who copies after him in his account of Palladius, mention no ordinations of Bishops performed by him but two, the one of Tervanus to the Picts, and the other of Servanus to the Orkneys, which at that time are acknowledged by all writers to have been subject to the Picts. Whence we find that he travelled more among the Picts than among the Scots in Britain, and so may be more properly said to be the first Bishop of the Picts, who, we do not read in any writer, were Christians before this time, or before St Ringan's, which was much about the same time.

All, therefore, that can be said about Palladius is at best but very lame and obscure; and what we do know, with any measure of probability, concerning him or his labours, is mostly relative to the inhabitants of Ireland, or to the Picts, and takes but little notice of what he did among that people whom we now call Scots. And as to Fordun's account of the state of our Church before his time, it seems to proceed from mistaking in some measure Prosper's meaning, and applying to the Scots in Britain what that author, agreeably with all his cotemporaries, designed for the inhabitants of Ireland; or, granting Prosper's meaning were to be taken in the sense that Fordun and his followers put upon it, it is not to be thought, after what Fordun had said of the darkness and uncertainty of what was done among us under the reigns of these old Kings before Fergus, son of Erck, which both himself and his several continuators confess they had no certain accounts of—it is not to be thought, I say, that after this Fordun designed to go so high up as the supposed times of King Donald, or would pretend to be so particular as to tell how, and in what manner, the Church was governed in times when he owns he could not well tell how the kingdom itself was governed. And yet he might reasonably say that before Palladius's coming the Church was governed in such and such a manner without believing that it was so for more than two

hundred years before. For as the Roman histories have informed us, and as Gildas, Bede, and Nennius write, we find that the Scots were beginning to make a figure, and be known both to the Romans and Britons, some sixty or seventy years before the coming of Palladius. And as the southern Britons had received Christianity principally by their intercourse with the Romans, so might the Scots likewise by degrees have got some knowledge of it on their beginning to have such an intercourse which, whether we be to credit their earliest settlement or not, it is certain they had not done before the year 360, or thereabouts. And in the confused times that followed, till what is called the restoration of the Scots under Fergus II. when they were settled on a new foundation, and brought into some sort of order, it is not to be wondered at, though we hear of no Bishops that they had, nor of a formed methodical face of a Church among them. This was customary among all the barbarous nations of the North (and I hope it will be thought no reflection on our nation to say that they were more barbarous at first than they are now), that upon their first conversion to Christianity matters were not so orderly or regular with respect to a Church establishment, as was brought about in process of time. Yea, even the first nations nearer Jerusalem, the centre of Christianity, that embraced the Gospel, had not a lasting model of church government set up among them at first. This was always reserved to be the work of time, and to be done not before, but after, their conversion was begun ; as, not to instance in later histories, seems to be the design of St Paul leaving Titus in Crete with an Episcopal authority to set in order things that were wanting. So that, as in the present case, it cannot be supposed that Fordun had any view of going so far back as times, by his own acknowledgment, uncertain and dubious ; and as for some time some forty or fifty years before Palladius, it is not questioned but the Scots in Britain might, by their then acquaintance with the Romans, have been taught something of Christianity, and so might have deserved the title given by Prosper to the Scots, that they were *credentes in Christum*—believing in Christ—(supposing this if Prosper meant of the Scots in Britain), as both these points will be allowed. The conclusion will be, that in that first appearance

and what we might call the anarchy of Christianity among the Scots, religion might have been taught them, as Fordun says, by *priests* and *monks* only, without stated or settled Bishops among them. And yet it will not follow that these *priests* or *monks* either had their ordination at first *from* themselves, or the continuance of it *within* themselves; which, unless it could be shewn, as all that Fordun says from Prosper will not make out, the present Presbyterians will avail themselves or their cause little, by all that they can draw from Fordun. For as to his followers, their assertions being the same with his, must stand and fall with his—I say, being the same with his, only with additions and explanations of their own, and suited to their own principles. Thus Boece, being a Papist, makes Palladius the first instance of the Pope's authority over our Church. And Buchanan, out of his hatred to all the order of Bishops, must have a wipe at them in his narration, by comparing the simplicity and holiness of these first preachers' works with the vanity and pomp of the succeeding Bishops. Upon the whole, taking this story of Palladius, and the state of the Church in Scotland before his time, as we find it related by Fordun and his followers, it is at best but an obscure and, I may say, confused notion that we can have of it; and even before it can be credited entirely, so as to lay any stress of argument upon it, these few strong objections against it must be removed first, that there was any kind of settlement or monarchy among the Scots in Britain before Fergus, son of Erck, more than four hundred years after Christ. Or, granting that there had been such a number of Kings before that time, how comes it that Boece should have been the first that particularizes the conversion of the Scots under King Donald, when till his time we never read of such a King in any of the old genealogies of these first forty Kings? And, thirdly, how are we sure that the Scots spoken of by Prosper, upon whose authority it is that Fordun goes, were the Scots in Britain, and not the inhabitants of Ireland rather, as all historians of those times describe them? If they that build so much on this plea are able to clear up all these intricacies, and put these and several other doubts out of the way by strength of reason, and by judging of Fordun by other historians, and even by himself, then, and not till then, people might

believe that the Church of Scotland was Presbyterian for two hundred years after his conversion, till Palladius brought in Episcopacy upon her. And so, from this first plea of theirs, I proceed, in the *second place*, to examine what they have to say about the Culdees, whom they will needs have to have been the first governors of the Scottish Church, and, as one might say, *Presbyterian ministers*.

These Culdees are first of all spoken of by Boece, who tells us that about the " time of King Findocus, the Scots began to embrace the Christian religion with great earnestness, and that their preachers were called *Cultores Dei*, i. e. *worshippers of God*, which title so far prevailed that almost to his time the clergy were called Culdees, or *Cultores Dei*." Further, he adds that they chose a *Pontifex* from among themselves by common consent to preside over Divine things, who for many years, as is to be found in Scottish Annals, was called Bishop of the Scots. Buchanan, speaking of them in the reign of Fincormack, who succeeded Crathlinth, gives us this original of them, that " under Dioclesian's persecution many of the Britons fled into Scotland, and lived there with such a reputation of sanctity, that after their death their cells were turned into churches, and hence came the custom in Scotland of calling churches *cells*. This kind of monks they called Culdees, and the name and institution continued till new and various kinds of monks appeared," &c. Bishop Lesly tells us that " Crathlinth kindly and courteously entertained the Culdees, or *Cultores Dei*, who fled out of Britain from the tyranny of Dioclesian and Constantius," &c. This, of the tyranny of Constantius, Lesly borrowed from Boece, who had wrote that Constantius stained his otherwise good character by his persecuting the Christian religion as well as Dioclesian; contrary to what all the Roman authors that lived nearer his time, such as Zosimus, Sozomon, Alexander Monachus, Rhegino Prumiensis, &c. record of Constantius, that in all the places of his government, and in Britain among the rest, he not only permitted the Christians the free exercise of their religion, but even payed them a particular regard above others. Nor is that other narration of Boece concerning the Culdees so agreeable to history and chronology as to meet with full credit, where he says that Crathlinth gave the Culdees the Isle of Man, after having expelled the Druids

out of it—that he built a cathedral there, which he endowed with ample revenues, and adorned with pattens, chalices, &c. of silver and gold, and an altar of copper and brass, and that one Amphibalus was the first Bishop there, &c.

It would certainly require the strongest credulity to believe all these remarkable particulars; besides, that it is a matter of doubt whether Man belonged to Crathlinth at that time. And though it had, yet from older authors than Boece—from the Chronicles of Man, Joceline's Life of St Patrick and others, we find that St Patrick was the first who planted Christianity in the Isle of Man, near two hundred years after King Crathlinth's time. At best, therefore, this ancient tradition of the Culdees, like our other traditionary antiquities, is but uncertain, and not much to be relied upon—what they were, or what powers they had, or what offices they exercised; though all the time, from even Buchanan's account of them, they do not seem to have been clergy, or in sacred orders, but rather lay Christians, who, like many others in these times of trouble and distress, sought only to enjoy their religion in private without disturbance. Boece, indeed, speaks of Bishops and Doctors among them, but with so much of the air of a legend, that Buchanan did not think fit to copy after him, but contents himself with little more than a bare mention of them. The example of the Culdees, then, will not apply to, nor quadrate with, the Presbyterian case, unless their example were followed in every particular related of them, such as their living in cells—their choosing from among themselves a President, or Bishop, who at least will be allowed to have been a *Constant Moderator*—their using chalices, pattens, altars, and the like, all which, it is well known, whether true or not, are storied by Boece and his followers concerning them. All that we have of certain about the Order of the Culdees is, that they were Monks of St Andrews, as we read that in the year 943, Constantine, son of Eth, resigned the kingdom, and, as Buchanan says, retired among the Culdees or Monks of St Andrews, of whom Boece says he was made Abbot. Another author, cited by Usher in a Catalogue of the Religious Houses of Britain, speaks of the *Keledees*, or Culdees, of St Andrews, anno 1273. Spottiswoode tells, that at first these Culdees of St Andrews were the only electors of the Bishop, but at last this right was given to the

Prior and Canons, which occasioned great contentions between them and the Culdees with various success, till about the year 1297, that on the election of Lamberton to succeed Bishop Fraser, Cumin, the Provost of the Culdees, appealed against the election to Rome, where he not only lost his suit, but from that time the Order seems to have been suppressed, as after that we hear no more of them. Nor does this Order of Monks, under this title, seem to have been peculiar to Scotland. For Giraldus Cambrensis, in his Itinerary of Wales, speaks of an island called Enby, or Berdsey, inhabited by religious monks called *Cælebes*, or *Culdees*, and of another place in the county of Munster in Ireland, where a few monks, called *Cælicolæ*, or Culdees, did service in a little chapel. And not only there, but Primate Usher assures us that even in his memory, in the metropolitan church of Armagh, and in the church of Cluanynish in the Diocese of Clogher, the clergy that served in the choir were called *Colidei*, or Culdees, and their President *Prior of the Culdees;* and he produces an order passed by John Mey, Archbishop of Armagh, anno 1445, that every Culdee might hold a benefice along with his office as Culdee, provided he resided in the church of Armagh, and that the Prior of the Culdees should have the first place at table, and be Precentor to the rest in what concerned Divine service. Which order seems to have been confirmed by another of Pope Nicholas V. in 1447—" That the Priory of the College of secular priests, commonly called the Culdees of Armagh, should be a simple, sinecure office." So that, upon the whole, it will be found hard to discover what resemblance there is between the Culdees and the Presbyterian Establishment, as it appears the Culdees—supposing them as early as Boece says, and tracing them down to later and more credible descriptions of them—were monks of a certain institution and under certain restrictions, which, I dare say, the Presbyterians, that boast so much of them, will not choose to imitate them in. And now let us see, in the

Third place, if their third great precedent of the Monastery of Hy, or Icolmkill, will stand them in any more stead than Palladius or the Culdees have done. The foundation of what they have to claim from the constitution of this Monastery they take from what Bede says in the Third

Book of his Ecclesiastical History, that "the Abbot of the island was a Presbyter, to whose jurisdiction the whole province, and even the Bishops, were by an unusual regulation subject, after the example of its first Doctor, who was not a Bishop, but a priest and monk." To understand the nature of this Monastery the better, and clear up what Bede says, a short history of this once illustrious place will not be an improper digression. The island Iona is one of the Western Isles of Scotland, of which we have an elegant description given us by Buchanan. Boece tells, that under Eugene III. the Scots that were banished by the tyrant Maximus fled to Iona, and built a monastery there; and that Fergus II. on his restoration adorned this Monastery, and deposited in it the valuable collection of books which he got of the plunder of Rome from the Gothic King Alaric; of all which Buchanan seems to have been so suspicious, that neither in his description of Iona, nor in his life of Fergus II., does he speak so much as a word of these things. From historians of more credit we learn that Columba was the first who erected a monastery there, some time after the year 560—that it was given him by Conal, King of the Scots—and that he lived Abbot of this Monastery till the year 597 that he died. From an old anonymous author, and from Adamannus in Columba's Life, we are told that the cause of his coming from Ireland was because of his having been in some sort the occasion of a battle there, in which some hundreds were killed, and that it was the advice of Findbarrus, a holy Bishop in these parts, that Columba, by his good example, should endeavour to carry as many to Heaven as by the battle which he occasioned had been in danger of Hell:—that accordingly, before his leaving Ireland, he sent a messenger to St Brandon, Abbot of Birra (as is recorded in the Life of St Brandon), to consult him what place he should choose to reside in, upon which Brandon, looking up to heaven, and appearing very thoughtful, ordered to dig the ground beneath the messenger's feet, where was found a stone, and on the stone the figure of the letter I. "Then," said Brandon to the messenger, "tell your master from me that he shall go to the island I (or Hy), for there he shall find increase of virtue; thence shall many souls go to heaven, and the place itself shall be in great honour."

However legend-like this latter part of the story looks, I have related it from Usher, to shew what esteem the Monastery of Hy was in in those times, and how justly the Church of Scotland may boast of this renowned place. Here St Columba was Abbot thirty-four years, till the year 597, after whom the Ulster Annals give no account of these nine that succeeded him—Barthenus, who died in 598, Fergnaus in 623, Segenius in 652, Suibneus in 657, Cumineus Albus in 669, Failbeus in 679, Adamnanus, who wrote Columba's Life, in 704, Conainus, son of Failbeus, in 710, and Dunchadus, in whose time the Monastery was distressed, and the monks driven beyond Drumalbin by Nectan, King of the Picts. Notwithstanding of this the island continued in great repute, though from this time we are much in the dark as to the state of the Monastery, and was the burial-place of our Scots Kings till Malcolm Canmore, by advice of his Queen St Margaret, removed the royal burial-place to Dunfermline. And now, as to what Bede says as above of the Abbots of this Monastery, I shall offer these few observations—*First*, that Bede, though a very ancient historian, yet is not so exact in foreign matters as in these things that principally relate to the Saxons his countrymen, whose transactions, indeed, are the chief design of this history; and in what he says of this island Iona—that it was given to St Columba by the Picts, he is certainly under a mistake, and seems not to have been perfectly well acquainted in these parts, as we are sure by all concurrent accounts, that from the first time we hear of the Scots in Britain, whether under Fergus I. or Fergus II., Iona still belonged to them, and was in the centre of their dominions; and Adamanus, who was Abbot there, and was older than Bede, assures us that Iona was the residence of the Scots Court; so that in these matters it appears Bede readily took things upon hearsay, and was not at great pains to inquire into the certainty of what was told him. Yet—*Second*, let it be observed, that even Bede remarks this superiority of the Abbot of Hy was more inusitate—an unusual, unprecedented thing, and not to be drawn into general practice, but rather a piece of singular respect paid to Columba on account of something extraordinary about him, as the histories of those times of the Church speak many times of uncommon

deference, even to an appearance of subjection, paid by Bishops, as well as other clergy, to monks and abbots of remarkable sanctity and strictness of life. For—*Third*, we find that even St Columba himself owned the superiority of the Episcopal order above that of priests, and that, too, within the bounds of his own Monastery of Hy. In the anonymous writer of his Life, mentioned before, we are told that after the battle of Culdreibne, Columba applied to St Finranus, or Findbarrus, who was a Bishop, that he might receive condign penance from him because of his having had a hand in that war; and likewise we read there that, though Columba was full of the Holy Ghost, yet, because of that war, he was rebuked by a Synod of Irish Bishops. After he came to Hy, we have a story told of him by Adamnan, that upon a Bishop coming once to Hy in disguise, Columba discovered his character somehow or other, and after that treated him with greater honour and veneration than was ordinarily shewn to a priest, by which, as Bishop Collier observes, it is plain Columba acknowledged the Episcopal order to be superior to his own, which was but that of a priest. Yea, more: the Ulster Annals—a book of great antiquity, as being written about the year 1040—tells us, as Usher remarks, that there was a Bishop always resident on that little island; and, which principally deserves consideration, is, that Usher, a man known to be as great a friend to the Presbyterian scheme as his vast learning and judgment would allow him to be, as appears from his endeavours to reconcile Episcopacy and it together—yet he brings in this quotation out of the Annals of Ulster immediately after having mentioned Bede's opinion, thereby designing this to be a counterpart to, or amendment of, what Bede says. And that the Ulster Annals said nothing more than what was true, is to be gathered—*Fourth*, from the practice observed in the Monastery after Columba's time, when we have certain accounts that there were Bishops there. For even Bede writes, that in the year 634, when Segenius was Abbot, Ardan was consecrated at Hy, and sent to be Bishop of Holy Island, in the kingdom of the Northumbrians, and was succeeded in that Bishoprick by Finan, and he by Colman, and Colman by Tuda, all clothed with the Episcopal character, and all receiving that character from the

Monastery of Hy. These were men of great repute, and sustained their character with great vigour against all the assaults that were made upon them. And that the validity of their character as Bishops was acknowledged by all the Bishops then in Britain, is evident from the state of the controversy they were engaged in with the clergy of the Roman communion, which I shall speak to hereafter. In the course of managing this controversy, we may be sure their adversaries, among other objections, would have argued against the manner of their consecration, if they had had no other Orders but what they had received from the hands of a Presbyter, or in subordination to a Presbyter, which it will not be said the Roman clergy, even at that time of day, would have admitted to be valid; yet we never hear of such a charge brought in against them. Their Episcopal powers were never questioned, and such powers, according to the general idea of Episcopacy, they had; for we read of their clergy along with themselves, and of several acts of Episcopal jurisdiction which they performed. This Bede himself relates, and had they had this jurisdiction conferred on them by no other authority than from the Abbot of Hy, the defect would undoubtedly have been thrown in their teeth by those that reproached them with less reason, for other things.

In short, the Monastery of Hy seems to have been the common place of meeting for all the clergy in the Scottish dominions—that there was always one Bishop resident in the island for exercising the several offices of the Episcopal function there—and that on any emergent occasion, such as consecrating a Bishop, or any other way consulting the interests of the Church, they used to assemble there, both out of respect to St Columba, and because it was there that the King's Court was for the most part kept. For that there were Bishops in the Scotish dominions, distinct from Presbyters, cannot be denied, since, not to mention other proofs, even Bede, in the above-quoted famous passage, plainly declares so much, when he says that all the province, and the very Bishops, were subject to a Presbyter, and that the first Doctor of the place was not a Bishop but a Presbyter. So that, on looking into the nature and constitution of the Monastery of Hy, and comparing Bede's narration with other accounts of the place, and with what himself says in

other parts of his History, it will be found that all that can be drawn from this Monastery makes rather for Episcopal government; and cannot, without much wresting and singularity, be made a pattern for forming, or vindication for justifying, the Presbyterian plan of Parity. And thus, I hope, I have in some measure cleared up these obscure particulars of our Church antiquities, and shewn that neither, from the manner of our first conversion to Christianity, nor from the practices and settlement of the Culdees, nor yet from the constitution of the famed Monastery of Hy, or of Icolmkill, can it be gathered that the first model of a Church among us was founded in any other way, but what was conformable to the then custom of the Christian Church all the world over, and that was by the government of *Bishops*, as distinct from and superior to *Presbyters*. But this is not the only adversary that the Church of Scotland has to grapple with; for there lies another sort of enemy at the catch, to take the benefit of any argument she has to bring in against the Presbyterian scheme, and make use of it to force a different establishment upon her. And these are—

II. The *Papists*, who because it can be so clearly proven that Episcopal government was the first plan of Church government that was set up in Scotland on its gradual conversion, would be inferring therefrom that this was not only in communion with, but in an entire dependence upon, and absolute obedience to, the Pope or Bishop of Rome, as the Supreme Head of all the Christian Church. This is the grand plea of that party, which they industriously spread abroad, and endeavour to instil into well meaning people's heads, concluding, though upon no good grounds, that the conviction of the necessity and antiquity of a subordination in the offices of the Church would readily draw over people, to fall in with their plausible and seemingly original scheme of the Pope's supremacy. Indeed, it must be owned, that under this subjection the Church of Scotland once was; but it was a forced subjection, that was brought upon her by degrees, which yet she never entirely consented to, and was still waiting an opportunity to shake off. Nay, more: I hope in reason it will be thought no way amiss to confess, that if the terms of communion were continued so orthodox and

unblameable as in ancient times, for the first 400 or 500 years after Christ, the Church of Scotland would willingly and gladly communicate with all the several rational Churches of Christendom—even with the Church of Rome herself; as I am persuaded it is not the Church of Rome *as such*, that the objection, and, among some, the odium, lies against, but only against the innovations, alterations, and corruptions which she has brought into her own communion, and would obtrude upon the other parts of the Christian Church as the only conditions of their communicating with her. These at last are swelled to such a number, and of such an unwarrantable nature, that there is a necessity of separating from her communion, when it cannot be joined in without departing, not only from Scripture, which ought to be the foundation of all communion terms, but likewise from the primitive practices of universal antiquity, and especially from the primitive and original practices and tenets of our own Scottish Church in particular. This separation of the Churches of Britain from the communion of the present Church of Rome has been defended by learned champions in both England and Scotland, and even the more moderate of the Romish Communion themselves have acknowledged, that it is not so unjustifiable as their more bigotted writers would have it believed.

As to the doctrines of the Church of Scotland, with respect to points of faith, for the first four or five hundred years after the nation's conversion, it is not my business at present to inquire into them, as there is but little recorded concerning these matters in our Histories, though I cannot but take notice of what both Boece and Buchanan have related of King Ferchard, the grandson of Aidan, about the year 640, that, among other pieces of misconduct and wickedness, which, say these authors, deserved deposition, he fell into the *Pelagian heresy*, and this, says Boece, he did by his correspondence with the British clergy, &c. By this it would seem that there were still not only some remains, but even a strong prevalency, of Pelagianism in the Scottish Church, which yet, on a stricter examination, does not appear so very probable, if it be considered that two hundred years before, St Germanus, Bishop of Auxerre, had, by his learned and zealous labours, banished that error out of Britain; and about the same time Palladius had been sent

by Pope Celestine, as Boece will have it, to drive these pernicious doctrines out of Scotland. So that it may well be wondered how, for so long time after, the British Bishops should have been so tenacious in adhering to that heresy, as even to influence a Scottish King—to infect him with the same belief. The doctrines of Pelagius were, on their first appearance, vigorously opposed, and soon condemned; and though in many parts of both the African and Gallican Church, some tenets with respect to the powers of grace and nature, that were thought to savour a little of the Pelagian notions, were kept up, yet these tenets were not universally, so odious; and even their antagonists were satisfied with giving them the smoother title of Semi-Pelagianism.

And how Boece and Buchanan had learned that in Ferchard's time Pelagianism was still extant in such a degree, both in Britain and Scotland, when it was extinct in all other parts of the Church, they have not told us, and perhaps could not well tell. This is such a reflection on the purity of our old Scottish Church, as would require to be well supported before it were thoroughly believed; and I make no doubt but these two assertors of it had different views in making the assertion—Boece, a Papist, on purpose to throw a blemish on the British Churches, who, for many years fled aloof from the Church of Rome, till they were borne down by the force of Henry II. of England's arms, and Buchanan, in consequence of his anti-monarchical principles, with a design to have a fling now and then at a King at any rate; but a careful attention to the history of the times will serve to wipe off this imputation, by discovering the improbability of the thing, joined with some other absurdities in the narration. It appears rather, from the general silence of writers concerning the Faith of the Scotch Church in these old times, that it was the same with the common Faith of the rest of the Christian Church, founded upon the Apostles' Creed, with the Nicene, Constantinopolitan, and Athanasian explications of it, as declared in, and confirmed by, the Four General Councils of Nice, in 325, Constantinople, in 381, Ephesus, in 430, and Chalcedon, in 450—especially as the three last fell much in with the time of Scotland's principal conversion, and so could not but be fresh in the memories of the great luminaries who did her

that service. The same silence may be interpreted, as an argument for the conformity of her public worship, with the offices of those Churches by whose assistance a Church was first formed among us. Accordingly Collier, in his Church History, tells us, that St Germanus brought into Britain the use of the Gallican Liturgy, the Morning Service of which consisted chiefly of Lessons, Hymns, and Psalms, with the Doxology at the end of every Psalm; and in the Communion Office there was an Epistle, Gospel, and sermon, and a canon of the Mass, or prayer of consecration, differing from the Roman in several expressions. And so, as Germanus was cotemporary, and, as is said, intimate with Palladius and with St Patrick, the two great Apostles of the Scots in Ireland and Britain, there is no doubt but they would use his help, and follow his example, in introducing the Gallican Liturgy into their several churches where they laboured. Usher expressly affirms that St Patrick got this rite from Germanus and Lupus, and communicated it to the Irish; and as St Patrick was helpful in instructing his British countrymen, it may be readily believed he would furnish them with this form of public worship too, since it is known Divine worship in those times was celebrated by stated forms. Collier further observes, that at the Reformation the English Prelates rather followed the old British or Gallican Form, where there was any difference between it and the Roman; so that, as the present Church of Scotland has adopted this first Reformed Liturgy of England, this, by the bye, may serve to shew how much she acts in this particular in conformity with the earliest times of our Christianity, before either superstition had depraved, or prophaneness mutilated, the public offices of the Christian Church. Now, as to these new tenets or practices, in which there is such a material difference between the Church of Rome and our present Scottish Church, it will be no difficult matter to prove, that in the first ages of our Church these new practices were not observed here, since in these days they were not heard of, or only beginning to be heard of, in the Roman Church herself. Her own writers do not deny, and especially the laborious Abbè Fleury, in his Church History, and Father Simon, in his Critical History of the New Testament, confess, that in ancient times Divine service was performed in the

language of each country, and even Cardinal Perron, though he endeavours to defend the present Romish practice of confining it to the Latin tongue, yet at last he seems to give up the cause as not so defensible as he would have wished it; so that, in this point, we need not be at pains to be very particular, as no doubt our Scottish Church had the same privilege with other Churches. The custom, too, of paying such veneration to images in the Romish Church, as borders even upon *plain* and *direct worship* of them, is but an innovation likewise drawn in at first by degrees, condemned by many of the old Fathers, in particular by Epiphanius, Bishop of Salamis; spoken against by Pope Gregory I., in a letter to Serenus, Bishop of Marseilles; and even after it got a sort of sanction in the Second Council of Nice, after the year 780, which the Romanists pretend to be a General Council, yet it was opposed by the Church of France, in a formal writing against it, called the *Caroline Books*, which Books, says Roger Hoveden, were sent over to, and received and agreed in, by the then Church of England.

As to the *marriage* of the clergy, which is now condemned so much by the Church of Rome, at the time of this nation's conversion it is plain there was no such prohibition. Not to instance in what is reported of Paphnutius, challenging the liberty of marriage to the clergy at the Council of Nice, nor of the Council in Trullo allowing the same liberty, and reproving the then beginning restraint in the Roman Church about the year 690, we have several documents that it was not only allowed, but likewise practised, in Britain in those days. In all the accounts of St Patrick's Life, we read that his father, Calphurnius, was a Presbyter, and his grandfather, Politus, a Deacon. Gildas, too, in his invective against the British immoralities in his time, among other topics of complaint against the clergy, applies to them the apostolic character of a Bishop—1 Tim. iii. 1, and laments how much they had deviated from every part of it, especially where the Apostle requires, that a Bishop should be one that ruleth well his own house, &c. Gildas cries out — "The chastity of the fathers, then, is imperfect, unless the chastity of the children be added; but what shall be the consequence, where neither father nor son is seen chaste?" &c. From which it may well be inferred, that the

marriage of the clergy was usual in those days, and that Gildas had nothing to say against it, otherwise he, who was so plain and severe as to other irregularities, would not have omitted this without reproof. It is to be observed, too, that in many of the legendary Lives of clergymen in those times, one part of their praise is, that they lived continently, and retained chastity all their days—which is certainly to be understood of their living without marriage, and which it would have been improper to have commended them for, if marriage had been restrained from them, as there is no praise in a person refraining from what he has no liberty to do.

It is true, this liberty of marriage was taken away, by degrees, from the clergy, by Dunstan of Canterbury, in England, Sigefroi, Archbishop of Mentz, in Germany, and others of the Pope's favourites, for certain reasons, and with views to advance the interests of the then Court of Rome; yet, from the English Histories it appears that the clergy struggled long for this liberty, and that for several centuries it was not totally extinguished, even after all the remonstrances that the Pope's Legate, Cardinal John de Crema, made against it, in a Council at London, anno 1125, under King Henry I. No doubt, this Cardinal's conduct at that time might say more for, than all his arguments and virulent rhetoric would say against, the marriage of the clergy; for it is said of him, that after he had violently declaimed against this abuse, as he termed it, and given the clergy's wives the infamous title of strumpets, that same evening he was surprised in bed with a wench. And this disgraceful behaviour is related by four English historians of these times—Henry of Huntingdon, Roger Hoveden, Matthew Paris, and Matthew of Westminster; and not only so, but Cardinal Baronius himself, after he has done all that could be done to vindicate the Legate, is at last, by the force of truth, obliged to acknowledge that the Pope's representatives may fail in their morals like other people. Yet, in end, the English Church was overborne by the superior power of the Pope's opposition, and compelled to yield to this restraint, as the other Churches of Europe had done. And, it is like, our Scottish Church might bear pace with her sister Church of England in this debate, and fall with her in the struggle at last; for Archbishop Spottiswoode, in his

Church History, tells us of one Beornellus, or Beornelm, a Scottish Bishop, that assisted at an English Synod at Calne, in Wiltshire, anno 977, and strongly defended the cause of the married priests against Dunstan, Archbishop of Canterbury. Collier gives us the same account of Beornelm, from Osbern's Life of St Dunstan; from which it may be concluded, that the Scottish Church at that time had no objection against the clergy taking wives. I might add here, that in the Catalogue of the Abbots of Hy from the Ulster Annals, Conainus, the ninth Abbot, is called the son of Failbeus, probably the same Failbeus who is set down as the seventh. And in the series of the Scottish Kings, from the Register of the Priory of St Andrews, given us by Father Innes, in his Appendix, No. V., King Duncan, who succeeded Malcolm II., is said to be the son of Trini, Abbot of Dunkeld, and of Bethor, or Beatria, the King's daughter. But I do not insist on these two instances, as the Failbeus in the first might have been a different person from the seventh Abbot of Hy, and as King Duncan's father is by Buchanan called Crinus, Abthane of the Isles; and by Dr Abercromby, in his Life of Malcolm II., Cryner, Abthane of Dul—both which titles, nevertheless, will be found to have a very near resemblance to Crini, Abbot of Dunkeld, in his old Catalogue.[1] However, as there is nothing said against this custom in Scotland, and as we have such strong documents that in those days there was such a custom in England, we may, with good ground, suppose that our Scottish Church stood out all along, and in end yielded to the restraint, much about the same time with the English Church, which, we see, had not entirely lost its liberty even so far down as the twelfth century.

I shall just mention another remarkable doctrine of the present Romish Church, which was not heard of in our Church at the beginning, and it is the doctrine of *Transubstantiation;* and my reason for saying so is, because when our Church was first

[1] The "Chronicon Elegiacum," preserved in the Cottonian Library, and printed at the end of the "Chronica de Mailros," Bannatyne Club, 4to. 1835, f. 227, distinctly states that Bethoc, "filia regis," married Crinus, Abbot of Dunkeld, by whom she had Duncan King of Albania. He died in 1039, and Macbeth usurped the kingdom, which he ruled seventeen years, when he was slain by Duncan's son, Malcolm III.

settled, whatever era we fix that settlement at, this doctrine was not heard of in any other part of the Christian Church, nay, not in the Church of Rome itself. And though we should grant that some of the Fathers had entertained such a belief concerning the Eucharistic sacrifice—which yet will not be easily made out from any expression to be found in their writings, compared with and explained by the rest of their sentiments—yet, I say, granting this, it is plain the term *Transubstantiation* was not brought into use, nor the belief of it made an article of faith, till about the middle of the thirteenth century, under Pope Innocent III. And if it were any part of my present design to enter into doctrinal controversy, it could be made appear, by undeniable evidence, that before that time the Churches of Britain were not of the same belief in respect to that point, which was obtruded upon them for two or three hundred years after that.

From these few instances, therefore—and more, if need were, might be condescended upon—we may very justly infer that our Scottish Church, for many hundred years after its first settlement, was not Popish, according to the modern idea of Popery, either in faith or worship. But what I principally intended was to examine, whether or not at the first, the Government of our Church was Popish—that is to say, whether she was under such indissolvible ties of obedience to, and dependence upon, the Pope and his decisions, as that she could not reform within herself, when necessity required, nor go against his authority, without running into schism, and separating herself from the communion of the one Holy, Catholic, and Apostolic Church. For this, indeed, is the grand imputation thrown upon us from that quarter, that, supposing these few particulars I have mentioned, and some others of that sort, had appeared to have been corruptions, and to have called for reformation, that yet it was unwarrantable to proceed, without the consent of the Pope of Rome, and most sinful to shake off the subjection due to our Spiritual Superiors. Now, if they can prove that he had a just title—a title of Primitive standing, and supported by Scripture and antiquity, to be the superior, or head, of the Scottish Church to such an absolute degree as is alleged, then they would have something of weight to bring in against us. But that it was not so originally, and that this yoke of

the Papal Supremacy was, among other impositions, wreathed upon Scotland's neck only by degrees, and in process of time, is what may be discovered from but a slender acquaintance with our Church antiquities, as related by authors of good credit and concurrent testimonies. And here I might bring in the decisions of the General Councils of Nice, Constantinople, and Chalcedon; the behaviour of the Church of Africa, in St Augustine's time, to three succeeding Bishops of Rome —Innocent, Boniface, and Zosimus; the remonstrances made against the title of *Universal Bishop* by Pope Gregory I. to John and Cyriacus, Patriarchs of Constantinople; besides many other instances of the unreasonableness and newness of this claim in foreign Churches for the first six hundred years; but I shall confine myself more immediately to our own Church of Scotland, except now and then that I perhaps may borrow some assistance from our neighbouring Churches of England and Ireland. And so, for the better understanding of this material point, I shall humbly offer these two or three historical observations—

As, 1. That in all the ancient accounts of our nation's conversion, and of the labours of our first Apostles or preachers, SS. Ringan, Mungo, &c. there is no mention made of any claim of jurisdiction to such an extensive degree put in by the Pope, or acknowledged by these Saints, except in what is said of Palladius being sent by Pope Celestine. There is an old Commentary or Legend of the church of St Andrews, written by one of the Culdees of that church, which Archbishop Usher tells us he had in his hands, and which appears to have been at least older than Giraldus Cambrensis, about the year 1200. It gives us the story of Regulus, a monk of Achaia, bringing over some relics of St Andrew the Apostle to the Pictish territories about the year 360; and of Ungus, son of Urguist, King of the Picts, founding a church in the place where Regulus landed, which was at first called *Kilremont*, and afterwards, by Kenneth Macalpin, *St Andrews*. I do not propose to build the antiquity of the church of St Andrews on the faith of this monkish narration; but what is chiefly noticeable in it is, that it speaks not a word of the authority of the Pope, or of his Supremacy, even though there seems to have been good room for bringing it in, if it had been so prevalent in

the author's days as it was afterwards. But what honour and dignity was afterwards attributed to St Peter, the alleged founder of the Papal claim, this writer attributes to St Andrew. He begins—"Andrew, which in Hebrew signifies *comely*, and in Greek *manly*, the brother of St Peter, according to the flesh, but his fellow-heir in grace, according to St John, the first chosen Apostle of Christ, according to St Matthew, and St Mark the second," &c. He then relates St Andrew's appearing to Ungus, and promising him victory, on which Ungus dedicated the tenth of all his lands to God and to St Andrew; after which he tells how Regulus landed, &c. and how King Ungus gave that place and city to God, and to his holy Apostle St Andrew, with this perpetual liberty, that it should be the head and mother of the churches within the kingdom of the Scots, or, as Usher corrects it, of the Picts. And thus he concludes—"Great increase of the Faith was made to all the faithful of the island, because God vouchsafed to send to them such a pastor as St Andrew the Apostle, the first disciple of our Lord. In this city, therefore, where is the Apostolic See, ought to be the Archiepiscopate of all Scotland; nor without consent of the seniors of this place ought any Bishop in Scotland to be ordained. This is the second Rome after the first—this is the chief city of refuge—this is the city of the cities of Scotland, to which the Lord has given these pillars of support, viz. Giricius the Archbishop, Machethad, and Gregory, with other brethren. I pray God I may be, with them, partaker of the kingdom of Heaven. Amen." Here are great things said of St Andrew and his church, without the least deference to the Pope, or deriving any authority from him. And this is the more remarkable, that John Fordun, who lived a little before the year 1400, in his account of this ancient foundation brings in St Peter into the story, which this old Culdee had not done. According to Fordun, an angel tells Regulus, among other things—"That place chosen by God shall be a perpetual Apostolic See, firm like a rock, nor without reason, being the See of the brother of St Peter, to whom the Lord said, 'Thou art Peter,'" &c. The cause of this difference may well be accounted for, that in the old Culdee's time the founding the Papal Supremacy on St Peter's merit was but

little heard of, and so St Andrew is said to be his equal *(cohæres)* in grace. But when Fordun wrote, that claim was come to a height, and so out of good manners to the Pope, as St Peter's successor, we see he makes St Andrew's principal merit to consist in his being St Peter's brother. Several other things may be observed out of this old legend, to discover the belief that prevailed in the writer's days, which is all the use I would have made of it. Accordingly we find, that upon the credit of this story, the Scottish Nobility, in their famous letter to Pope John XXIII. anno 1320, claim the privilege of being under the patronage of St Andrew, brother to St Peter, &c. And not only so, but about twenty years before, Pope Boniface VIII., in his Commonitory Bull to Edward I. of England, acknowledges that the kingdom of Scotland had been converted by the venerable relics of St Andrew the Apostle, &c. Usher observes here that it was so to be found in the manuscript, and in Matthew Westminster, although in another place of Westminster's, and in Thomas Walsingham, St Peter's name had been foisted in for St Andrew's, which shews, too, that after the Pope had set up his pretensions, St Andrew's patronage of Scotland began to be envied and discouraged, and all public methods taken to put him out, and father that honour on St Peter, that from him it might devolve on the Pope.

But to return to other and more certain antiquities of our Church, as converted at different times by St Ringan and others, in all these accounts we meet with little notice of the Pope, or of any *primacy*, *supremacy*, or call it what you will, that he either exercised or claimed over the Churches in these parts of the world. And, indeed, consistently with the histories of other Churches of these times, no such thing could be alleged, because in these times the universal Supremacy was not set up. It is true, in the Life of St Mungo, written by John Tinmuthensis, we read that that Saint, fearing some defect about his consecration, went to Rome, and had that defect supplied by Pope Gregory, &c. which might perhaps infer some sort of superiority in the Pope over St Mungo; but that St Mungo was at Rome is not very likely, when it is considered that he died about the year 600—that, according to the same John, he was one hundred and eighty-five years old when he died—and that as Gregory was not Pope till the

year 590, ten years only before Mungo's death, it would have been too long a journey for a man of one hundred and seventy-five years of age to undertake. But if it be true which Collier says of his death, from Harpsfield, a Popish writer, that he died in the year 560, it is not possible that he could be at Rome in Pope Gregory's time; so that this seems to be but an invented story, contrived, as many other stories were in Tinmouth's time, about the thirteenth century, to aggrandize the Pope, and bring all Churches and Bishops into a dependance upon him.

As to what is most to be credited of the histories of our first Bishops, there is no such dependence can be inferred, not even from what is universally agreed in, that Palladius was sent here by Pope Celestine, which, I believe, is the only probable instance that can be given of any thing that looks like a Papal supremacy over our Church. But such a mission will not warrant a subjection, otherwise the Church of Rome herself must be subject to the Church of Jerusalem, since it is plain, both from the history of the Acts of the Apostles, and from St Paul's second chapter to the Galatians, that even St Peter himself had a mission from the Church of Jerusalem. At this rate the English Church ought to be subject to the Church of France, because Germanus and Lupus were sent by the Gallican Church to recover the British Church out of Pelagianism; as Boece says Pope Celestine sent Palladius to the Church of Scotland. The Churches of Germany ought to be subject to the Church of England—Boniface, the Apostle of Germany, having been sent out of England to that purpose. And the Bishoprick of Durham in England should be subject to the Church of Scotland, which sent Aidan and his successors to restore the Gospel among the Northumbrian Saxons. Yea, Father Innes, in his Essay of the Scots, &c. acknowledges that "it was the custom of the zealous Bishops of the neighbourhood in ancient times, as well as of the Popes (though he attributes this in a higher degree), to send in Bishops to countries where there was a beginning of, or a disposition to, Christianity." And, which is still more, Pope Gregory himself, in his letters to the Kings of the Franks, complains of the French clergy being so remiss in offering their assistance to the conversion of their Saxon neighbours in Britain. From all which we may

naturally conclude, that in these early days, while Christian zeal and charity were yet fervent, it was generally believed a duty on all Christian Churches to endeavour to propagate the Faith among infidels, by sending preachers or clergy of different characters among them; but that such a sending did not confer any authority to the Church *sending* over the Church to which the mission was *made*—much less that it was the peculiar privilege of the Bishop of Rome to have the only glory of all such conversions, otherwise Pope Gregory would not have found fault with the Gallican clergy for their neglect. Nor even, where such conversions were either made or forwarded by a mission from the Bishops of Rome, did it always follow that upon that account they ought to have an absolute supremacy over the Churches in those parts. Thus, in an old writer of the Life of St Declan, an Irish Saint, quoted by Usher, we read, that when St Patrick was sent to Ireland, the four Bishops that were there before him refused for a long time to be subject to him, notwithstanding of his authority from Pope Celestine; and when at last they were brought in to receive him and yield to him, it is not said that it was out of any deference to the Pope's power, but for other reasons that moved them; and particularly of St Declan and St Ibeir, we are told that they stood out against him till they were admonished by an angel to obey his will—which admonition would have been needless if the belief of the Pope's Supremacy had been so implicitly acknowledged in those days. And thus, about one hundred and fifty years after St Patrick's time, we find that the British Bishops, who upon the Saxon persecutions had retired into Wales, maintained their independency against Augustine the Monk, Pope Gregory's missionary, who, whatever power or authority he might have by virtue of his mission over the Saxons whom he converted, yet, they said, could have no just title for any such claim over them who had been Christians before. So that, upon the whole, it appears that the mission of Palladius to the Scots, which, I suppose, is the only credible instance of any early mission made by the Pope to our Church, was only in compliance with what Father Innes calls the *general custom of these times*, and which, indeed, the then Bishops of Rome did very charitably observe, as their having such interest in the chief city of the Empire did

abundantly furnish them with opportunity. But that they thereupon claimed such a high authority as was grasped at in the eleventh, twelfth, and thirteenth centuries, and at last came to be the great grievance of all the Western Church, is not to be found in any writer, nor to be gathered from any part of the conduct of the Bishops of Rome for the first six hundred years after Christ. And that our Scottish Church enjoyed the same privilege of liberty and independency, for a long time after its first settlement, will further appear—

2. From the history of the long contention that was between the English clergy in communion with the Church of Rome, and the clergy of Scotland, about some practices that were differently observed in Britain for near eight hundred years after Christ. These were principally the form of shaving the clergy, and the time of keeping Easter. In both these the British Churches in Wales, and the Scottish and Pictish Church in the North of Britain, varied a good deal from the Saxon Church in England, and from the Church of Rome, for whose obedience the Church of England in a good measure was. The Roman customs in these particulars were introduced into England by Augustine and his clergy, while all the rest of Britain and the Church of Ireland still retained the old practice. I am not to inquire into particulars, nor to enter into the merits of the controversy; for most writers that have treated of the subject seem to be of opinion, that the things in themselves were of an indifferent nature, and might have been observed either way. But the cause why the British, Irish, and Scottish clergy made such a point of it was, because it was urged upon them with a certain air of authority by Augustin and his successors, and not recommended to them out of regard to brotherly charity, and the unity of the Church. Hence, the British clergy insisted on the authority and primacy of their own metropolitan of Caerleon-upon-Usk, and the Scottish pled the customs so long preserved by their forefathers. The Scottish Church, in particular, made a great figure about this time; for upon the decay of Christianity in the kingdom of Northumberland, they sent Aidan, anno 634, and after him Finan, Colman, and Tuda, into that kingdom with the Episcopal character, who settled their See at Lindisfarn, now Holy Island, and

resided there with great applause some more than thirty years. These men, though they disowned the Papal authority, and would not come into the terms proposed by the *Canterbury clergy*, as they were then called, yet both Bede, who was a great stickler for the Roman customs, and after him Cardinal Baronius, speak of them with great veneration, and even allow them the character of Saints. Yet they paid no subjection but to the Church of Scotland, from whom they had their ordination; and the Church of Scotland in those days was in such repute, that she was courted by the Bishops of Rome to acknowledge their authority, and come into the observance of what was then begun to be called *Catholic unity*. And when the Pope's solicitations were found to have no effect upon her to give up her original rights of independency, she was then branded with Pelagianism, as appears by a letter from Pope Honorius I., about the year 634; for it seems Pelagianism in those days was as useful a weapon in the hands of that party as Popery is in the hands of a certain party among ourselves, now-a-days, and could serve to blast the reputation of an antagonist, as the charge of Popery does now, whether groundless or not.

And that this is all the foundation of taxing the British and Scottish Churches with Pelagianism may well be believed, every thing considered; and that if they had readily, and at first, consented to the then designed encroachments, such a thing would never have been laid to their charge. Indeed, they were at last prevailed upon to lay by their old practices, and to agree with the Roman and English Churches; for we are told by Bede that the Southern Irish first of all yielded—that Adamannus, Abbot of Hy, about the year 680, brought over the Northern Irish to the same opinion—that in the year 710, Nectan, son of Derili, King of the Picts, by the persuasion of Ceolfrid, Abbot of Wiremouth, introduced the Roman rites into all the churches of his dominions—and that at last, in 716, Egbert, an English priest, prevailed with the Monastery of Hy, and all the monasteries of its obedience, to join in the same observances too; so that we see it was with much difficulty, and only by degrees, that the Scottish Church was, as it were, wheedled out of its liberty, and that the Roman customs were in a manner, by mere importunity, obtruded upon her. Yet, that

even after this she was not altogether subjected, nor so soon enslaved under the Roman yoke, as most of her neighbour Churches, will be seen—

3. By considering that the several steps, by which the Papal Supremacy mounted to its greatest and most intolerable height, were not for many years attempted in Scotland, and when attempts that way were made, they were not so tamely submitted to as is pretended. And by carefully attending to the history of the Roman Church, we shall find that, among that vast number of ways and means she has from time to time taken to advance her pretensions, these four are the most remarkable, and have been of greatest service to her.

First, Her giving the *pall* to every Archbishop or Metropolitan, which at first was said to be only a mark of particular respect, but was in end construed as a sign of superiority and power. Peter de Marca, Archbishop of Paris, tells us, that this pall (which, by the bye, is a small piece of woollen cloth, without any dye, laid on the Archbishop's shoulders, when he officiates, above his habit), was originally a part of the Emperor's habit, and that the Patriarchs at first had the Emperor's leave to wear it :—that by piecemeal the Popes of Rome began to take the liberty of giving the pall to the Metropolitans of their Patriarchate :—that, in the year 742, Boniface, Archbishop of Mentz, got a canon past in a Council, that all Christendom should own the Church of Rome as the centre of communion, and that every Metropolitan, at his advancement, should apply to Rome for the pall, &c. From this time the pall began to be looked upon as a representation of the Pope, and a sign that the Metropolitan acted by authority of the Roman See ; the fear of which invasion made Hincmar, Archbishop of Rheims, a stout defender of the immunities of the Church, protest against receiving the pall in this light, or in any other light, but as a token of esteem, and a badge of distinction. However, in 872, under what is called the Eighth General Council, held at Constantinople, Pope Adrian got the necessity of procuring the pall confirmed by a new canon there ; and at last, in 1079, Gregory VII. clogged the grant of the pall with new clauses, and changed the old promise of obedience into a direct oath of allegiance, making the Metropolitan,

at receiving the pall, swear that he should neither be assisting with his person nor advice in taking from the Pope either life, limb, liberty, or Popedom. This oath grew up into Canon Law; and, to fortify this encroachment, Popes Urban II. and Paschal II. afterwards forbade the Bishops to take the usual oath of allegiance to Princes for the lands the Church held of them; and, in the thirteenth century, the Decretals, published by order of Pope Gregory IX., oblige every Archbishop to receive the pall from Rome before he can exercise any part of his archiepiscopal office. By such strange steps, from less to more, was this pall, which at first was no sacred thing, made use of to lay the whole Western Church under a most heavy bondage, which was owing partly to the enterprizing boldness of some of the Popes, and partly to the cowardly spirits of most of the Archbishops. So that it may well be thought a happiness to our Scottish Church, instead of being a loss to her, that she was so long without the privilege, if it is to be called such, of the pall, as it was attended with such daily innovations in the ancient rights of every national Church. For, as we never had an Archbishop till Bishop Graham of St Andrews, in 1468, under King James III., and so could not look for the pall, which was one of the Archbishop's peculiars, so we find that the consecrations of Bishops in our Church were for the most part more easily expedited and generally performed at home, without making such long and expensive journeys to Rome, as the Bishops of England were many times obliged to do. Nor is this to be given as the reason of this, that our Church till that time was under the jurisdiction of the Archbishop of York in England. For, not to enter into the examination of this claim, it is well known that this subjection was never acquiesced in by our Church; and that, though an ambitious Prelate like Roger of York did once or twice make such a pretension, yet the cause of our Church was espoused by four Popes, who all gave out Bulls in her favours. And even as to the Bulls of Popes Innocent, Adrian, Calixtus, and Alexander, seeming to confirm the Archbishop of York's claim, Bishop Nicholson himself confesses there are many expressions in them justly liable to exception, which have been thought by men of skill to savour strong of the English cloister. The Church of

Scotland, except for a very little while that Thurstin and Roger, two Archbishops of York, distressed her, was always independent, and for a long time even unsubjected to the Church of Rome herself. And, as I have said, it was long ere the Popes came to force the pall upon her, even though we were sure that it was given to Graham, the first Archbishop of St Andrews, which, indeed, all our historians do not say, but may be gathered that it was from the general practice in those times.

Second, Another step taken by the Popes, to carry on their high pretences, was either by sending Legates from Rome, or by creating some Bishop of every nation Legate, with power of holding Councils, reforming abuses, &c., but really to advance the Papal authority, by curtailing and eclipsing the power that originally belonged to the Bishops of every Church within themselves. This practice was very early begun. At first the Legates were the Pope's proxies at General Councils, in which they sometimes presided, and sometimes not; but as for national or provincial Councils, they were called and presided in by the several Primates or Metropolitans for a long time, without any person appearing in them on the Pope's part. But gradually the dignity of the Pope's Legates was mightily raised, so that at last no national Council durst be held without one of them to preside in it. Now, from our histories we learn that for the first thousand years after Christ there was no Legate of the Popes in Scotland; and in a list of national Councils held in Scotland from Kenneth Macalpin's time to the year 1559, given us by Father Innes, we find the first mention of a Legate holding such a Council was in the year 1126, that the Cardinal John of Crema, spoken of before, held one at Roxburgh under the reign of King David the Saint; yet, before that, Mr Innes takes notice of an ecclesiastical meeting under Kenneth Macalpin —of a Council held at Scone, anno 906, by Kellach, Bishop of St Andrews, in the reign of Constantine, son of Eth—besides several national Councils under the reign of Malcolm Canmore, in none of which is there the least word of the Pope, or of his authority in these matters. And even after the first time we find a Legate in Scotland, it seems both King and Bishops were not fond of such a custom, and yielded to it only with reluctance; for, in 1225, Pope Honorius allowed

the Scottish Church the privilege of holding national Councils among themselves without a Legate, upon which the Bishops met, and enacted that a Council should be held every year—that every year one of themselves should be chosen, with the title of *Conservator*, to preside in the Council—and that at each Council the Bishops should preach by turns, beginning with the Bishop of St Andrews. Accordingly, of all the thirty-one Councils in Mr Innes's list there are only nine in which a Pope's Legate presided, all the rest having been held either by the Conservator after the year 1225, or by the Archbishop of St Andrews, as Primate, after the year 1470—a liberty this which was no more than a primitive original right of every national Church, but in those ages, between the eleventh and sixteenth centuries, was scarcely to be found in any other part of the Western Church, which during all that time was heavily oppressed with these Legantine commissions upon every occasion ; and not only enslaved as to their ecclesiastical liberties, but likewise thereby much impoverished in their Church revenues and possessions. But,

Third, Another method, by which the Papal Supremacy came to its great height, was by their challenging the power of erecting new Bishopricks, translating and dividing old ones, &c. by which means these Sees became more and more subject to Rome, many times to the prejudice of their own Metropolitans. Instances of this are not only numerous, but are so easily seen on the least looking into Church histories, that it would be both endless and needless to descend to particulars. But as to the Church of Scotland, for more than eleven hundred years after Christ there was no such freedom used with her, even though it be generally related that Pope Celestine sent Palladius with the character of a Bishop to Scotland, yet we no where read that the Pope gave him orders about modelling the Church, or making any kind of establishment in it ; and in what is said of his ordaining Tervanus for the Picts, and Servanus for the Orkneys, it is not so much as insinuated that he had any special command from the Pope to do so. Thus, we find that Hungus, King of the Picts, founded the church of St Andrews, to which afterwards Kenneth Macalpin translated the chief Bishop's See from Abernethy, without consulting the Pope about it. Thus, Malcolm II. founded a Bishop's See at

Murthlack, which St David removed to Aberdeen. Malcolm Canmore erected two Bishopricks, to which his son St David added other four—all of themselves, with consent of their own clergy, without the Pope interfering in the affair. Yea, which is still more, the Scottish Bishops sent clergy into another kingdom, and planted a Bishop's See in it—in the kingdom of the Northumbrian Saxons, without minding the Pope's regulations, or paying any further regard to his decisions than they saw convenient. And yet, as Collier observes, the then Popes kept a correspondence with these Bishops, and acknowledged their character, though they found fault with some of their particular tenets. The first time we hear of the Pope's consent being asked in settling an Episcopal See in Scotland was as far down as the year 1200, when Scot, Bishop of Dunkeld, applied to Pope Clement III. for dividing his Diocese, and erecting another See in the western parts of it, which accordingly was done, and the new See called the Bishoprick of Argyll. But as for the ten oldest Sees, it is evident, from all our histories, they were erected at several times by the joint concurrence of King and clergy, without having recourse to the Pope, as was commonly done in the most of the Churches of Europe about that time. I shall just mention—

A *fourth* instance of carrying on the Papal Supremacy, and that was by laying on yearly taxes on the State, and making from time to time large and pressing demands upon the Church for money, under various titles, and with various pretences, sometimes for one thing, sometimes for another, but most ordinarily for the Holy War, after that enterprise was brought into head. This was a most miserable burden not only on the Church, but even on several kingdoms; and to such a pitch of extravagance was this encroachment driven in England, that King John was fain to demit his kingdom to the Pope, and take it back from the hands of a Legate, to hold it as a vassal of the Holy See. After our Malcolm Canmore's time, there began to be some stretches of this kind made upon Scotland; but such was the fortitude of our Kings, especially the three Alexanders and King Robert Bruce, and so great unanimity was there always between the Church and the State in our nation, that if now and then a Legate was sent on any such errand here, he never ventured

to set a foot upon Scottish ground till the King's leave was obtained, and sometimes had his demands granted, and as oft refused. Yet, our Kings were still willing and ready to live in good terms with the Pope, upon reasonable conditions, and none of them but had a great character both for brave and religious men. But they kept a watchful eye over the then beginning usurpations of the Church of Rome, and had it not been for the groundless pretensions of the Archbishop of York once or twice over our Church, and of some of the Kings of England over the kingdom, joined with the ungenerous and unworthy advantage that Henry II. took of our King William the Lion, on his being made prisoner at Alnwick—had not these unforeseen accidents, I say, put our nation sometimes under a necessity of courting the Pope's mediation and patronage against such injustice, it is plain, from the general plan of conduct, that our Kings always proposed to follow, that they never had an intention to subject themselves, or allow themselves to be subjected, to the Pope, either in civil or ecclesiastical concerns, or to pay him any other deference than what was always paid to the Bishop of Rome, as the *Patriarch*, not the *supreme Head*, of the Western Church. And this may be gathered from the concurrent testimonies of all our historians, and particularly in the long contention between Bruce and Baliol, when the nation was most grievously harassed by the English, and but faintly assisted by the French, so that they had no help but throw themselves into the Pope's arms, with expressions of great submissiveness in their then distress; yet Father Innes owns that after Robert Bruce had bravely asserted his own right and the nation's liberty, they then resumed their old spirit of freedom, and returned themselves to the patronage of St Andrew, being well assured, says Mr Innes, that none of St Andrew's successors would ever claim any vassalage over them. In succeeding times this spirit of independency still continued, and our histories afford us frequent instances of it. Thus, King James I., in a debate between William Brown, monk of Dunfermline, and William Drake, monk of Durham, about the Priory of Coldingham, by his own authority in Parliament, without any advice from the Pope, determined in favours of Drake, anno 1424; and the original of this, Bishop Nicholson tells us, is in the

Treasury of the Dean and Chapter of Durham. Thus, his grandson, James III., so highly resented Bishop Graham's application to Rome for the metropolitan dignity, and his not being satisfied with the original right of precedency which always belonged to his See of St Andrews, and which there was no need of seeking an augmentation of from the Pope. In a word, it will be found that even when the Papal Supremacy was in its greatest elevation in other kingdoms and Churches, our Church and kingdom never yielded so tamely or totally as many others did; and all the concessions the nation ever made were only forced from her when under some trouble or other—which trouble was no sooner off but they recovered themselves, and so managed matters, as neither to cringe entirely to, nor entirely break with, the Pope. But as to any title that the Pope could have of absolute dominion over even our Church, from any thing relative to our first conversion, or deducible from the mission of Palladius among us, it was never claimed, never made a handle of, never insisted on, either by the Popes, or recorded by historians. And this, being so clearly and certainly to be gathered, from going through what ancient accounts of the state of our Church are extant, might be enough to show that there is no just cause of complaint against the present Church of Scotland for shaking off the Papal yoke, and endeavouring, under God, to stand upon her own bottom, as this is no more than what from the beginning she both could do, and always, at least for the most part, actually did. So that if, in process of time, there were errors in faith, or corruptions in discipline, or innovations in worship, crept into her, and if she behoved either to retain these abuses, or separate from the communion of the Church of Rome, which was but a sister Church—though, indeed, an elder, and, in some outward appendages, a more honourable sister—then in that case she not only had the privilege, but it was her duty likewise, to reform within herself, and return to her original purity of constitution in conformity with the Scripture rules and Apostolical practices. And so the alleged supremacy of the See of Rome could be no lawful stop to a reformation within our national Church. Nor, though the communion of the Roman Church, as well as of all other parts of the Catholic Church with one another, be

a blessing much to be desired, yet it is not to be bought at the expense of faith and a good conscience; and, if necessity be, Christians ought to separate themselves in a regular, orderly manner, even though there should not be seven thousand of them that had not bowed the knee to Baal. Whether there was such a necessity at the time of our Reformation is another question; and, from the few particulars I touched at before, it appears that these particulars were but late additions not only to our Scottish Church, but to the whole Christian Church in general. And so, though for a time, by certain methods of management, they were kept up among us, yet, as they were neither to be found in Scripture, nor agreeable to Primitive antiquity, nor parts of the original constitution of our Church, they might be laid aside whenever the Divine Providence offered proper opportunity.

There has been much written about our Reformation here in Scotland, partly for and partly against it. That the doctrines and practices of the then Church needed to be reformed, has been acknowledged by many Popish writers themselves, and the very calling of the Council of Trent about that time implies as much as that there were *some things*, at least, that called for a reformation. That our Church, in particular, would have willingly concurred in such a reformation, for her share, will be readily confessed, when it is remembered that she never was so very much Popish, that is, so much enslaved to the Pope's pleasure as many other Churches—and that about that time she had many divines whom their adversaries speak well of, and who, if things had been regularly carried on, would in all likelihood have been as fond of a reformation as they were in England. such as the renowned Elphinstone, Bishop of Aberdeen, who died anno 1514; Robert Reid, Bishop of Orkney, who died in 1558; Lessly, Bishop of Ross, whom both Archbishop Spottiswoode and Bishop Nicholson give a good character of; Gavin Dunbar, Archbishop of Glasgow, celebrated even by Buchanan; and James Beaton, his successor, whom King James VI. thought so well of, that he employed him in his affairs in France, and gave him the revenues of the See to his death; besides many others of lesser note, monks, friars, &c., who became afterwards famous preachers in the

Reformed Church, as Spottiswoode tells us. So that it is just matter of wonder to every considering person how, with such favourable circumstances, the Reformation should have been carried on in Scotland in such a tumultuous hurry, without any sort of settled order or forms, for little less than fifty years. I should be very loath to say any thing to the disparagement of our Reformation, or to derogate in the least from the honour of our Reformers, if I either knew *for certain* when our Reformation began, or even *who were* our Reformers. The story of those fifty years or so, from the year 1560 till King James VI.'s accession to the throne of England, is so confused, and the situation of affairs in that time so often changed, that, after all the pains I have been at to read the various accounts of it, I own I cannot well tell what to think of the story, or what idea to form of the then Church of Scotland. Sometimes I am told that the Church at that era was settled on the Presbyterian plan, with an equality of Church officers. In other writers I read that our Reformers still preserved a regard for Episcopacy, and set up that sort of government; though, after all, when I compare these transactions with the Primitive customs, I am at a loss to find a Primitive Episcopacy in any thing done in Scotland at that time. And I cannot help thinking, that the disorderly and unprecedented steps taken at that time towards a Reformation contributed, as much as any thing, to fix many of our countrymen in their Popish principles, by disgusting them at a religion which had such an uncouth appearance.

From the histories of these times it were easy to make several observations to this purpose. I shall only instance in two or three. 1. The murder of Cardinal Beaton, Archbishop of St Andrews, in 1545, was a fact so horrid in itself, so much abominated by all sorts of men, and such a barbarous piece of ungenerosity in Norman Leslie, one of the chief perpetrators, who had once been the Cardinal's friend, that it was no wonder though people of sober minds were shy to join a party which began in such a strange way. Whatever cruelties the Cardinal had been guilty of, or however much he might have deserved an untimely end, still all good men abhor murder, and it can never be said to be a *pure religion* that either advises or justifies private revenge. And I dare

say nothing could have more hardened people's hearts in their old opinions, than such an unheard of, and, as matters then stood, ill-timed action. For such as were acquainted with former histories could know to what miserable ends the murderers of Thomas à Becket, Archbishop of Canterbury, about four hundred years before, were brought, and how the Divine justice seemed to pursue them through every part of the earth. And such as lived any time after Cardinal Beaton's death, when they saw how his murderers were tossed up and down, and that, as Spottiswoode observes, few or none of those that had a hand in that work escaped an extraordinary judgment, they would probably interpret this as a sign of God's anger, and that he could not and did not approve the then changes in affairs, from which such a hated crime had proceeded. 2. Another cause of chagrin against the Reformation was the lamentable desolation of cathedrals, monasteries, and other religious houses, which had been founded for pious purposes by the charitable devotion of former times, and which, though they had been at last abused to a great degree, yet ought not to have been destroyed in a heap without any distinction. The suppression of abbeys and monasteries in England had given offence; but it was done by law, and with some sort of decency. Their records, charters, and other valuable antiquities, were in a good measure preserved, and over all the kingdom the cathedrals, or Bishop's churches, were left unhurt. But among us this was done by a rabble, not only without, but against, authority; and, certainly, it could not but affect every body with a just sorrow, except it had been such of the furious mob as were set on by their leaders, to see such stately buildings in flames, and every thing that was once thought sacred, even the very copies of the Bible itself, all going to wreck. And it might very naturally be objected against such doings what St Paul argues, Rom. ii. 22—"Thou that abhorrest idols, dost thou commit sacrilege?" It was, beyond all doubt, a very odd way of expressing regard to God; and it may well be said of such zeal, that it was not according to knowledge. But, 3, It behoved, likewise, to keep people at a distance from agreeing to a Reformation, when they saw the preachers and principal heads of it behave so disrespectfully, not to call it unduti-

fully, to their lawful Sovereign—and that they did so, will not, cannot, be denied; or, if it should, the disturbances given to the Queen Mother in her Regency, and the melancholy history of the unfortunate Queen Mary, will be lasting evidences to the contrary, and will, I fear, be a perpetual stain on the beginning of our Reformation. Had only the Nobility, or, as they were called, the *Lords of the Congregation*, carried themselves in such a manner, I should have taken little notice of their procedure, as I own myself incapable to set up for an historian. But I confess I am sorry to find men, that took on them the characters of ministers of the Gospel, concerned in transactions so contrary to the spirit and precepts of that Gospel which they professed to preach. And who can contain their grief, not to say their indignation, to meet with two ministers, such as Knox and Willocks, gravely passing sentence against a supreme magistrate, as the Queen-Mother was, and declaring it the Nobility's privilege and duty to depose her from her regency? Or to read of the unmannerly, and even unministerial, language given to Queen Mary herself by the same John Knox, under the pretence of reclaiming her from her *idolatry?* I have carefully, and with some curiosity, gone through several different histories of this ill-used lady, and have endeavoured, as much as man can do, to lay by prejudice, and to examine what is to be believed, and what is not to be believed, concerning her. I am not to vindicate her from all the aspersions thrown upon her, which were first raised by Buchanan and his patron the Earl of Moray, but, now-a-days, do not meet with such universal belief as some few people would wish. All I am to say with respect to her story, as it concerns Church matters, is this—that taking all her character together, both as a woman and as a Queen, I find a good deal of reason to think that, had she been well advised, and used with that decency and good manners which her dignity required, and her natural accomplishments by general consent deserved, the Reformation might have been settled by the royal authority, with the joint concurrence of the clergy, and probably, by God's blessing, she and her Court might have led the way. She does not appear to have been ignorant in religious affairs, nor so stiffly wedded to her own opinions,

as to shut her ear against advice; and it is acknowledged that in her time the Reformation came a considerable length, and that the Reformed preachers had their allotments paid them better, and with more regularity, by her orders, than what was done afterwards, even by their own favourite Regents; nor do we ever hear of any application she made to the Pope, to use his supreme authority against any of her subjects, as it is well known several princes in former times had done.

All this, and sundry other circumstances of her life, put together, make me believe that the misfortunes she met with, and which were brought upon her by the ambitious designs of some of her relations, were as great a stop to a Reformation as any thing could have been; both as thereby the sovereign authority was withdrawn, and as many of her friends and loyal adherents were upon that very account inflamed against it. One thing is certain—that, in these days, the nation was most deplorably divided, that notwithstanding of all the fine speeches in some folk's mouths, religion, if it be to be judged by practice, was at a very low ebb—and that such well meaning people as had a due regard for religion, both in principle and practice, were in a great strait how to behave, so as to secure both their outward quiet and inward honesty. And, though I shall not say but Mr Knox and his brethren had a good design at the bottom, yet I may be allowed, at the same time, to say that they took not the properest methods to accomplish their design, especially in their conduct to the Queen. For if she was a woman of such a soft disposition, as that, to use Knox's own words, "he needed not to be afraid of her fairy face," the language he gave her was the readiest way to sour her blood, and prejudice her against him, and all his sort. And if, as Buchanan calls her, she was *mulier ferox*—a fierce woman, rugged and contumelious carriage before her might well more and more exasperate her, but would not naturally sweeten her fierceness, or make her inclinable to their instructions. Sure this was not the behaviour of St Paul before King Agrippa, nor of the Primitive Christians to the idolatrous Emperors, nor was it, I dare say, at this rate that Lucius, King of Britain, or Donald, King of Scots, or Leogair, King of Ireland, or Brudeus, King of Picts, were prevailed with to forsake their

superstition, and embrace the truth. But to go on—these were not the only wrong measures followed at the Reformation. For, 4. The destruction of these old papers, charters, &c., in which were to be found the antiquities of our Church and nation, and which were for the most part consumed with the buildings in which they were deposited, was attended with this consequence, that thereby we lost a great many strong and convincing arguments against the Popish usurpations of later times. And if these ancient monuments and archives of our Church had been preserved, it could have been shewn to a demonstration that originally we were not under the Papal Supremacy, and that all the errors then complained of in the faith, discipline, and worship of our Church, were innovations brought upon her from time to time; and consequently might be rectified by her own authority, without applying to, or depending upon, the Court of Rome. This had been a more effectual way of reasoning, and, no doubt, would have produced a more orderly Reformation; but by thus putting these records, &c. out of the way, the opportunity of arguing with the Papists from ancient and primitive principles was in a great measure lost; and so we need not be surprized that so many of them, especially the leading men of the Church, were so much attached to the way in which, however indefensible, they had been born and bred.

And this opinion of mine I have these two reasons for—*first*, that in the few disputes that our first Reformers had with the Papists, they have little recourse to the original settlement of our Church, which if duly looked into, would have easily confuted the pretensions of the Papal Supremacy, but which, by such an odd step of destroying all the libraries, &c. of the religious houses, the Reforming preachers had but little knowledge of. Their *chief*, I may say their *only* topic of reasoning, is from passages of Scripture construed according to their own interpretations, which John Knox very boldly affirmed he would maintain against ten of the best divines in Europe, and which even one of the meanest divines of Europe with the same boldness would have rejected; so that as our Reformers had nothing on the one side but the liberty they took with Scripture—which liberty, in their own favours, the Papists had as just a title to on the other, it could not be well expected that

much good could come of such an endless way of wrangling; whereas the force of Scripture arguments, cleared up by the concurrent practice of the Catholic Church in general, and of our own Scottish Church in particular, if her records, &c. had been extant, would have in all impartial people's eyes turned the balance one way or other. Perhaps, too, *second*, it may strengthen this observation of mine to take notice, that the only chartularies that were saved[1]—the chartularies of Glasgow, which were saved by Archbishop Beaton—were carried off to France; and that the French Church has since that time in an especial manner maintained her independency, and stood up for her original liberties as a national Church. Witness her glorious stand in 1682, which the Pope took care to crush from coming to too great a length, by a glaring push he had a hand in making six years afterwards. This was owing entirely to the inspection into old monuments of Councils, Fathers, &c., made by some of the learned men of that nation, such as Mabillon, Ballure, L'Abbe, and others; and, no doubt, the access they had to these records of Scotland, deposited at Paris by Archbishop Beaton, might have given them a good deal of assistance that way. What helps, then, might have been expected from all such records, of which our Church had great plenty, if, before the cathedrals, &c. were destroyed, learned men had taken them out, and examined them, and regulated their then Reformation according to them?

If it were asked, what reason the Reformers had for consuming these valuable pieces of antiquity, I believe it could not well be answered. It is commonly thought that there was no particular design in it, but, as Knox said, to "burn the nests, that the rooks might flee;" but it is possible Knox and his adherents might have a further view to establish their own scheme on the ruin of antiquity, and so, by burning all these monuments, &c., to remove out of the way such a great stumbling-block against it. Several monks were, from time to time, declaring in the Reformers' favours, and they could well tell the nature and contents of the papers, books, manuscripts, &c., in the several cathedrals and monasteries; so that on finding how much they contradicted the levelling plan, and how much

[1] This is a mistake. The Chartularies of Dunfermline, Moray, Arbroath, Kelso, Cambuskenneth, and a few others, were fortunately preserved.

they would open people's eyes, if they were allowed to come to light, it may well be believed the Reformers would endeavour to have them destroyed, which could not be done without destroying the houses where they were laid up ; and so it is probable the fear of the records, &c. brought on the fate of the cathedrals ; and if these records had been thought favourable to the then designs, perhaps both of them had been extant to this day.[1]

Upon the whole, it can scarcely be said that a right step was taken by either party at that time. The Reformers did all in a hurry, with violence and precipitation, breaking through all order and decency, and allowing themselves to be made tools by a few ambitious aspirers, who, perhaps, had nothing less than religion in their eye. And although it seems that the nation, for the most part, had a warm side towards Episcopacy, or a *superiority* among Church officers, and never did digest altogether the upstart plan of Parity, yet I do not see how the superiority, or as it was called, the *Superintendency*, then set up, can be defended, according to the primitive institution all the Christian Church over. On the other hand, it will not be easy to vindicate the conduct of the Popish Churchmen either. Their general silence, under the attacks that were made upon the Hierarchy and rights of the Church, gave their adversaries too much advantage over them, and made the equity of their cause to be much suspected. According to what Spottiswoode tells us of the Earl Marischal's speech, in what was called the *Parliament*, in 1560—" Seeing my Lords the Bishops—who by their learning *can*, and by the zeal they should have to the truth, *would*, as I suppose, gainsay any thing repugnant to it—say nothing against the Confession we have heard, I cannot think but it is the very truth of God, and the contrary of it false and deceivable doctrine ;"—such a silence, I do think, was not agreeable to the behaviour of

[1] The destruction of original records must have been very great. Thus, all the Books of the Officials, excepting two volumes of the Official of St Andrews, are lost. Before the Reformation all deeds of importance were recorded in this Ecclesiastical Register ; and in old charter-chests deeds are still found which are marked as duly entered in these Books, and undoubtedly perished through the *fiery* zeal of these *out-and-out Reformers*.

the first Christians in such cases. They preached and wrote, held Councils, and published decisions; and even when under the persecutions of heathenish or oppressions of heretical Emperors, still they kept up a succession of Church governors in every national Church, and asserted, both with vigour and patience, their original and spiritual privileges, whereas it does not appear that any such thing was done by the Popish clergy in Scotland at that time. Some of their inferior orders, such as Ninian Winzet,[1] Quintin Kennedy,[2] and a few more, did, indeed, emit some controversial tracts; but little was acted in a public ecclesiastical way against what they called the *spreading heresy*. They gave up their rights of ordination, for what reason, or from what views I do not know. And although most of the Bishops lived a long time after the Reformation was begun, and particularly the two Archbishops, Hamilton of St Andrews, till the year 1570, and Beaton of Glasgow, down to the year 1603, yet we do not find any endeavour made by them to act in their Episcopal character, or to preserve a succession of Bishops, as one might think they would have done. The Episcopal order was allowed by them to expire, upon what principle I shall not say; and so far were they from so much as attempting to keep it up, that even Father Innes owns that for an hundred years after the Reformation, there was not a Bishop of the *Roman Catholic communion*, as he calls it, residing in Scotland. Whether this was not a shameful deserting the interests of the Church, to be so negligent of their duty, and so passive as to the exercise of their powers, let such as are most concerned make it their business to inquire. And if it be true, as I have endeavoured from the ancient accounts of our Church to shew that it is, that the Papal Supremacy, for many hundred years after our conversion, was not heard of here, nor ever totally acknowledged and submitted to by the Scottish Church, then let the present Papists in Scotland look to it, whether or not the *intruding* of a Bishop or Bishops, by virtue of that pretended Supremacy, into a national and independent Church, already provided with Bishops, as one hundred years after the Reformation our Scots Church was—whether or not

[1] Properly Ninian Wingate.

[2] Quintin Kennedy was Abbot of Crossraguel in Ayrshire.

this be so very *Catholic* a procedure, or so agreeable to the principles of Primitive unity, as they very confidently allege.

It is, I think, upon this point that the controversy between the present Church of Scotland and the Papists here chiefly depends, as we have as much interest in the state of the Church before the Reformation as they have, and as it appears that the Popish missionaries, whether Bishops or Priests, Seculars or Regulars, cannot well, according to Primitive rules, justify themselves, in their present intrusion, from the imputation of schism. For when they who had the care of the Church at the Reformation deserted her cause, and bethought themselves more of their temporal possessions than of their spiritual powers, what was to be done? Ought not such as were concerned in the Church, next to the clergy (as the Papists themselves will allow the King to be), to apply to the next resource for keeping up the *face* of a Church, and procuring the benefits of church communion to the people, when thus forsaken by their former pastors? I here protest against any suspicion of Erastianism, till I have leave to explain myself; for I do not question but taking these things into serious consideration will help, in a good measure, to account for the confusions of those times.

What views the several Regents had during King James VI.'s minority I neither can tell, nor do I pretend to vindicate; but after King James came to age, and began to take notice of these things, the history of his reign, joined with the whole of his character as a wise and religious prince, gives ground to think that he had the settlement of the Scottish Church much at heart. He saw how little the Popish Bishops had done, and were doing, for it; and he was certainly sensible, as is to be gathered from his after behaviour, how lame and insufficient the Episcopacy plans were that had been set up in his minority. This, probably, might be the reason why he did not defend these plans more vigorously against the new encroachments of Andrew Melville and his party after the year 1575, though he still had it in his eye, when he came to be his own master, to put his hand in good earnest to the work, according to what belonged to his sphere. And here, it is plain, he had these two discouragements—*first*, The survivancy of the

several old Bishops, who, he knew, could not be deprived, or turned out by the mere strength of the royal power; and for some of whom, particularly Bishop Lesly of Ross, his mother's most faithful friend, and for Archbishop Beaton of Glasgow, whom he still employed in the character of foreign minister, he always had a personal regard. And to give away such Bishopricks, especially the metropolis of Glasgow, he saw would be a flaw in the church economy, and would give the old adversaries just cause to cry out against it. And, *second*, He saw there was no way of supplying Scotland with the Episcopal order but applying to England, and England for a good while was not in his power, or at his command. So that, though he had been to make such an application, perhaps, as matters then stood, it might have been rejected; or, if it had been granted, it would have given too much countenance to the old claim that the English Church pretended over the Church of Scotland—which claim we find he always was careful to guard against.

But, however, soon these difficulties were removed—the first by the death of Archbishop Beaton in 1603, and the other by his happy accession to the English throne the same year. He then discovered his pious affection to the Scottish Church, and made it one of his principal concerns to have her provided with an order of *orthodox* and *unschismatical Bishops*. I have neither room nor time to descend to all particulars necessary for the proof of this; but on reading all the histories of these affairs, I am hopeful all that I have said will be found to be just and true. It is, therefore, from the English Reformed Church that the present Church of Scotland derives her ordination. And as Scotland at that time had been less void by her own old Bishops, and her Episcopal Sees were all vacant, it will follow that, if the then English Church was a true Church, the constitution of the Scottish Church, as founded by the assistance of the English, was a true and warrantable constitution likewise. The English writers have, many of them, in former times with great learning defended the validity of their sacred orders under their Reformation, which was begun by Henry VIII., and finished under Queen Elizabeth; although, indeed, some of them in later times, with a view to justify some measures that had a bad

appearance by the parallel of the Reformation procedure, have thereby furnished the adversaries with arguments against it that are not easy to answer. However, it is plain that after its first settlement in Queen Elizabeth's time, the Papists had not so many scruples against joining in communion with the English Church, as have been artfully instilled into their heads since; and it may justly be said that Pope Pius V. begun the separation by his Bulls, excommunications, and by his prohibition against joining the *Heretics*, as he called them.

Yet, though the English Papists complied with these prohibitions, and did abstain from their former communications, that does not say that the Reformation was wrong, nay, nor that they thought it wrong, for it is one of their doctrines, that if the Pope should call *virtue* vice, and *vice* virtue, the Church ought to believe him; yea, if the Pope should go to hell, the Church ought to follow him! Much more, when he only orders them to come off from one form of religion, and adhere to another, are they, according to these doctrines, bound to silence their own opinion, and acquiesce in his judgment. Thus, for some years after the Reformation in England, it was only the Pope's opposition that was objected against it; but, now-a-days, there are several other cavils in the party's mouth, such as King Henry VIII.'s incest,[1] the Nag's-Head Consecration,[2] and the like. As to King Henry's character, it has little concern with the Church, because, supposing him to have been as vicious as he is represented, we find that Divine Providence many times accomplishes the best of ends by various kinds of instruments; and even against Constantine the Great, the first legal protector of Christianity, and against Charlemagne, the chief founder of the Papal dignity, many things have been said to their prejudice, by such as otherwise did not wish their pious intentions well. So that, let Henry VIII. be what he will as to his morality, he was a King, and a learned one; and he began

[1] He was accused of having debauched the elder sister of Anne Boleyn, Indeed, some of the Roman Catholic writers assert that Anne Boleyn was his own daughter, he having seduced her mother.

[2] As to this see Strype's Life of Archbishop Parker, vol. i. p. 117. Oxford, 1821, 8vo.

the good work by doing no more than what every other King as well as he might have done, by throwing off the Pope's supremacy—that heavy yoke which neither he nor his forefathers were able to bear. And although some measures were taken in the beginning that were not universally agreeable, such as the suppression of the monasteries, &c., the extravagant power of Cromwell, Earl of Essex, in matters ecclesiastical, the rigorous stretching of the regal power, and the like; yet, upon the main, it was gone about with far more order, decency, and regularity, than what was done here in Scotland.

I am not to write a history of the English Reformation, although, indeed, it could be wished that all the friends and members of the Church of Scotland were better acquainted with the procedures of the Reformation in England than generally they are. All I shall at this time say concerning it shall be confined to these two or three observations.

1. That Cranmer, the first Reformed Archbishop of Canterbury, succeeded to a vacant See without any opposition from the Pope, and that after his consecration to the metropolitical dignity, the Papal Supremacy was laid aside; and the whole body of the English clergy, as a national Church, acknowledged the King's power in reforming ecclesiastical houses, and by their subscriptions bound themselves to stand by determinations which with universal consent were then made. Upon this, steps were taken by degrees to remove the several superstitious practices in worship, and rectify the errors in belief, which for some time had been complained of. And though little more was done in Henry VIII.'s time but the shaking off the Papal yoke, yet that was a good beginning; and under his son and successor, Edward VI., other reformations were made, an English Liturgy was compiled, and such of the clergy as chose rather to adhere to their former rules, which were shewn to have been but innovations, either retired quietly themselves, or were, by the joint authority of Church and State, put from their charges. And thus at Edward's death the Church of England stood on a Primitive footing, as much as, every thing at that time considered, she could well be thought to do. When Queen Mary came to the throne she overturned all, forced some of the clergy to comply with Popery again;

others she caused burn for heretics; and then many of the Bishops, who in her father's time had declared themselves against the Papal Supremacy, returned now under the yoke rather than lose the Queen's favour. Cranmer, the Archbishop of Canterbury, and Primate of all England, was burnt, and Cardinal Pole put in his place, by whom the Church, that is, the clergy, who, out of worldly regards had courted the Queen's good graces, were reconciled to, and again enslaved under, the Pope. But matters did not long continue in this posture. Queen Mary died, and with her all the hopes of the Popish party expired. Queen Elizabeth succeeded, and among her first concerns, taking the state of the Church under consideration, revived by her royal authority the Acts made in her father's and brother's reign against the Papal pretensions, to which the clergy—even many of the then surviving clergy—had given their consent. This revival soon disabled the Popish clergy, because, as they had voted against the Pope's Supremacy under King Henry, and again voted for it under Queen Mary, they could not, with any sort of grace, change with the wind again. So the Church was left on the footing in which it stood on Edward's death, as Queen Mary's reign was at best but a medley of cruelties and intrusions. And it belonged to the successor, Queen Elizabeth, to take care that religion should suffer no detriment, and that the Church should be preserved, which the Popish clergy, both in England and Scotland, were not so provident for as they ought to have been. Let it be observed—

2. That at Queen Elizabeth's accession the See of Canterbury was vacant. Cardinal Pole, its last Bishop—whether justly or not—was dead, and so there was no danger of schism in supplying his place, since there was none that had the least pretence to the dignity; and the care of filling that See belonged as much to the Prince, by the assistance of the clergy, as it did to the Pope, who for many hundred years had never any title to the filling up such metropolitan chairs.

3. It is noticeable, too, that of the clergy whom Queen Mary had violently put out, and some of them she had barbarously caused be murdered, some were still alive—having retired, as in such cases the Primitive Christians used to do, from the persecutions of the Queen and her

bloody advisers. Three or four of the old Bishops, who still stood by the constitution as retrieved by unanimous consent under King Henry, and settled under King Edward, were in life, and on Queen Elizabeth's invitation returned from their exile. These were Bishop Scory,[1] Bishop Barlow,[2] Bishop Coverdale,[3] and Hodgkins, Suffragan Bishop of Bedford; and by them, according to the Primitive Ecclesiastical Canons, was Dr Parker consecrated Archbishop of Canterbury,[4] from whose hands, in conformity with the ancient usage of all the Christian Church, the rest of the English Sees were provided of regular and orthodox Bishops.

I hope it will not be doubted but this was a singular instance of the care of Providence thus to remove Cardinal Pole, the last incumbent of Canterbury, out of the way, and to preserve such a requisite number of Bishops to continue an Episcopal Succession. I know it is started, by way of question—What should have become of the Reformed Church of England, if Cardinal Pole had been alive, and none of King Edward VI.'s Bishops to be found—how should she have been supplied with Bishops in that case? To this an answer is readily found, that He who is the only Head of the Church, above Pope and King, could and would have provided an expedient. But at this rate of putting *what ifs*, it were easy to throw difficulties in the Church of Rome's teeth, that it would not be in her power to get over. From this Church of England, as settled in the manner I have said, under Dr Parker, as metropolitan, did our Church, in the way of Christian charity and Catholic unity, receive the Episcopal Order in 1610, and again in 1661, from which time the Church of Scotland has kept up the Episcopal Succession within herself. And though at present she seems to be but in a low way, as having no friend to support her, either at home or abroad, but the equity of her own cause, yet her administrations are as valid, and her powers as

[1] Formerly Bishop of Chichester, then elect of Hereford.

[2] Bishop of Bath and Wells, then named to the See of Chichester.

[3] Bishop of Exeter.

[4] A very minute and particular detail of his Grace's election, confirmation, and consecration, will be found in Strype's Life of the Archbishop, vol. i. p. 51. Oxford edition, 8vo. 1821. Archbishop Parker was consecrated on the 17th of December 1559.

indefeasible, as had she all the protection of earth to befriend her.

But I have done. I hope I have in some degree answered what I designed, which was to let well meaning people know a little of the nature and constitution of what is now called, by way of distinction, the *Episcopal Church of Scotland.* I have been at pains to say every thing upon good ground, having advanced little but what had been said by others before ; and if I have made at any time any observations of my own, I submit the justness of them to abler judges than I pretend to be. And so, referring all my labours to the judgment of the candid, and heartily wishing well to religion and the Church in its present decline, I rest, Sir, yours, &c.

END OF VOLUME I.

SETON
BOOKBINDER
EDINBURGH


SPOTTISWOODE SOCIETY INSTITUTED IN EDINBURGH
9TH JUNE 1845